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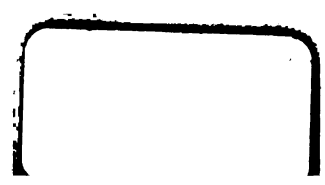
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THE MARQUIS OF MURRAY HILL

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The Story of a Criminal Case

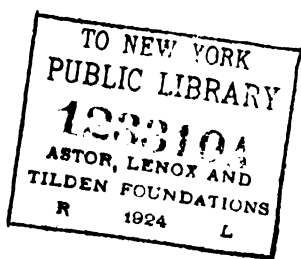
BY
B. A. RONZONE
Benjamin
Anthony

There should always be a wholesome motive for the writing of a story, whether its aim is to instruct or merely to amuse the reader. The author of "The Marquis of Murray Hill" has attempted to do both, and, furthermore, has succeeded in doing so, without marring in any way the interest and moral tone, the pathos, devotion, spite, resentment and the strong dramatic situations.—From the Baltimore American and Commercial Advertiser, December 6th, 1909.

NEW YORK CITY

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HANSEER FROM C. D. JAN 1924

This book is dedicated to:

**The girl of my school days,
The sharer of my life's battles,
The chum of my old age—
My wife.**

THE MARQUIS OF MURRAY HILL.

CHAPTER I.

The seventeenth of January in the year eighteen hundred and — was the date set down on the Court's calendar for the trial of the case, "The People against Truart."

This case had been very much talked about in hotel lobbies, in club rooms, and, especially, in the private circles of that exceptional locality known as Murray Hill, during the last two weeks, owing, principally, to the high social standing of the people involved in it, directly and indirectly.

Several newspapers, also, had given it conspicuous place on their pages. Two of them in particular which had kept their readers well posted on the different incidents occurring during the past few months in connection with it, devoted much valuable space to recapitulations on the very first morning of the trial!

"It is stated on very good authority," said one of them, "that an extraordinary array of legal talent is going to look after the interests of the young defendant, who, as our readers already know, is poor and without witnesses; but is backed up by a millionaire—the editor and proprietor of our esteemed contemporary,

The —, who, for very good reasons of his own, no doubt, has fought the prosecution at every step with more or less success! We may mention further, in conclusion, solely for the edification of our many readers, that we have received from exclusive sources what we consider very reliable information; that among the lawyers retained by the defense, at an enormous expense, are to be: An ex-United States Senator, an ex-Governor, and an ex-Supreme Court Judge, all distinguished jurists of more than national reputation!

"It is going to be a trial," concluded the editor of the other contemporary, "during which both the accused and his victim will be lost sight of, in the bitter struggle that will take place between giants of the law!"

The monthly magazines, too, had not failed in what they considered their obligations to the pardonable curiosity of their subscribers, and had treated them to all that powerful influence could gather from private sources, and refined pens could write on the subject.

"There is a well authenticated rumor," said a self-styled society publication, whose January number had been issued in December, "that the principal witnesses for the prosecution have been meeting, frequently during the past two weeks, in the sumptuous parlors of one of our most esteemed subscribers—whose popular name we are not at liberty to divulge—where, under the direction of an ex-Judge, they have been going through court rehearsals for the coming trial!"

And this same very enterprising periodical even gave a vivid description of the garments each lady was going to wear on the occasion, and concluded with predicting that: "The fair sex who will grace the court room with their presence will be sure to dazzle not only the spectators, but the Judge and jury as well, with their beauty and splendor!"

It was, very probably, owing, in a great measure, to the quoted publications, that not more than fifteen minutes after the court chamber had been thrown open to the public, all the benches and available chairs were occupied with expectant men and women. It was not long before the standing room, too, was uncomfortably crowded with lawyers, and lawyer's clerks, and newspaper men, most of them drawn there by a rumor circulated in their respective circles, that the first move of the defense would be the strongest kind of an argument ever presented to a Court, calculated to bring about the dismissal of a case!

What added strength to this rumor was the fact that the Assistant District Attorney, Mr. Smartman, who had charge of the case, was already in court, attended by several deputies, seated at his table, upon which was quite a number of law books.

Mr. Smartman had the reputation of being a very aggressive opponent whose extreme delight was to contend stubbornly over every inch of ground in legal warfare. That he was a man of uncommon pluck and self-reliance was made manifest to all who were aware of the fact that,

notwithstanding he was laboring under the belief that he would have to face so formidable a force of lawyers, he had not availed himself of the distinguished talent which the District Attorney's office could and would have supplied him with, but chose to meet them all single handed! He had the reputation, too, among those with whom he associated of being a stanch friend and a relentless foe. That this reputation was not undeserved was clearly demonstrated in the present case, in which the plaintiff was his friend. Having failed in his endeavors to put the defendant behind prison bars while waiting for his trial, it was only through his tireless tenacity of purpose that the defendant, who, when first arrested, had been charged with simple assault, and released under five hundred dollars bail, now stood indicted for "Felonious Assault" and under a bond of ten thousand dollars!

Whether all the lawyers, and the laymen who knew these circumstances were of the opinion that this apparent over-zealousness to show his loyalty to his friend amounted to a breach of professional propriety or not, they were nearly all of one mind on the prediction made by one of the former: that should the case go to trial, the selection of jurors would prove a lengthy, interesting, and, very probably, an amusing performance to behold!

"But what is the matter with the defense?" inquired a young attorney, whose demeanor manifested a sincere nature, of another young limb of the law, after His Honor had arrived and had

taken his judicial seat, and neither the defendant nor his lawyers had made their appearance!

"Oh, they are simply waiting outside in order to make their entrée—as they say in French—at the very last moment, and thus make a more imposing exhibition of themselves!" said the other, who drawled out his words, with an intended exaggerated nasal sound. The former turned away impatiently and looked expectantly at the entrance.

Though the young man's prediction had been uttered in a jocular sense it was destined to prove partly correct. The defense did come in "at the very last moment" but there was nothing imposing about it! Indeed, it was some time before the majority of the spectators became aware of its presence.

The defense consisted of but two persons. One was Paul Truart, the defendant, a man of about twenty-three years of age; and the other, Mr. Sincere, his attorney, and not more, apparently, than two or three years his senior. They made their way quietly through the crowd to the table reserved for their side of the case, and seating themselves at it, assumed a demeanor calculated to render themselves as unattractive as possible.

This very surprising and disappointing aspect of the defense—when it became known to the spectators—gave rise to, not only many whispered calm conjectures regarding the probable meaning of it, but also, to many highly colored remarks, directed at both the defendant, and his attorney, emanating from persons whose resentment had

been aroused either from natural propensity or from selfish motives.

"It is going to end even worse than I expected!" said a rather short, thickset, middle-aged individual, with a square head and fat florid cheeks, and whose manner of speaking and expression of countenance indicated plainly that he felt thoroughly convinced that the correctness of whatever he might choose to say ought not to be doubted. This person was Mr. John Leering, a lawyer. His remark, which had been uttered in a rather spiteful voice, as he resumed his chair was addressed to David, a decorative artist seated beside him; an unassuming man whose general appearance, even though his dark hair was mixed with gray, denoted that he had not yet passed the limit of the prime of life. He was of medium stature and well formed. His face was pale, but not of a displeasing hue, and his dark warm gray eyes, besides expressing a good nature, suggested an impulsive temperament. His voice was soft yet manly, and his manners refined and engaging.

On the other side of the artist sat a prepossessing person whose countenance was remarkable for its expression of intelligence. He was tall but well proportioned, and notwithstanding the sparse silvery hair that covered only the lower part of his well-shaped cranium, his movements plainly manifested that his blood still possessed plenty of good vitality. This man had been introduced to the lawyer by the artist a few minutes before the opening of the court, as—"My dear old friend Mr. Pener; a journalist."

The two professional men had looked at each

other for a moment, in silence, and then after acknowledging the introduction by a slight inclination of the head, resumed their seats; Mr. Leering with marked self-importance and Mr. Pener with genteel indifference.

"What is the matter?" inquired David of the lawyer made somewhat apprehensive by his remark.

"You will soon learn for yourself!" was the reply. "But stand up, as I did, and look over at the defense, will you!"

"The defense! Is the defense in court?" asked the artist in surprise. Then he turned to the journalist; "Did you know that Pener?" The latter shook his head negatively.

"Well, get up Dave—stand up and see for yourself!" urged the lawyer.

The artist arose to his feet, and the journalist followed his example. It was only after several attempts that they succeeded by standing on tip-toe, in catching a few glimpses of the defendant and his attorney through the quick opening and closing spaces between the restless heads of the dense crowd before them. They sat down after a few seconds, and stared at each other; Dave with astonishment, and Mr. Pener with perplexity. Their evident perturbation seemed to afford pleasure to the lawyer.

"But what can be the meaning of it?" asked David, turning to the lawyer. The latter simply shrugged his shoulders, and kept his eyes directed on the crowd.

"Then the argument for the dismissal of the case on which you based so much hope will not

take place?" said the artist addressing the journalist.

"It looks that way now, Dave," returned the other, regretfully. "But then——"

"And did you take any stock in any such stuff as that?" broke in the lawyer, raising his voice above a whisper, and looking at the artist as if disgusted at his credulity.

"Why not?"

"Why not!" exclaimed Mr. Leering in contempt. "Why there never was the remotest idea in the minds of those who *know* of such a thing materializing!"

"But you, surely, do not mean that seriously?" said David. The lawyer ignored the question to show his contempt for it.

"Perhaps, after all," said the artist quickly, at that moment animated by, what seemed to him, a plausible idea, "the real lawyers in the case are simply delayed, and will appear later on"; and he looked at the journalist as if for approval.

"Keep on thinking so if it does you any good!" said Mr. Leering, frowning at the somewhat affirmative expression on Mr. Pene's face.

"I cannot bear even the thought," said the artist, vehemently, to the latter, "that my friend's case should be left solely in the hands of that man!" The stress which the speaker put on the last words, was so full of bitterness, that the journalist stared at him in surprise.

"Have you anything against Sincere, personally?" he asked in the next moment.

"Yes, yes, I have! but do not ask me about that

now, Pener!" returned the artist, darting an angry glance at the defendant's lawyer.

"Well!" ejaculated the other. Then, after several seconds, he said: "I feel confident, however, that whether the lawyers in question put in an appearance or not, at this or at any other stage of the trial, those behind the defense will not entrust your friend's interests solely in the hands of such a young attorney, who, it is but natural to presume, is not likely to be a very experienced one!"

A smile of reassurance lit up David's countenance, as he said, earnestly:

"I am glad you feel that way about it, Pener. Your words make me confident that the poor boy's chances are not so desperate after all."

The warm friendship that obviously existed between the artist and the journalist, had been from the very first moment that Mr. Leering had become aware of it, a source of irritation to him; and as his efforts to impair it, and draw David to himself proved fruitless, his natural antipathy against Mr. Pener become more pronounced.

"Don't fool yourself!" he said to the former, as he gave the other a cutting glance. "Don't be so easy to believe all that you hear, or that you read in the newspapers, from people who don't know what they are talking about!" David's looks of deprecation, and remonstrance had no effect on the lawyer—"I tell you now!" he went on in the same rude manner, "as I have told you a hundred times during the last few months; your young friend, as you still choose to call him, hasn't the ghost of a chance of escaping the prison! I

am a lawyer! I know what I am talking about! Lawyers don't simply talk with their mouths!"

Mr. Leering's words, which to the unsophisticated artist had the sound of those coming from a man who speaks from knowledge, greatly discouraged him; but he said, almost inaudibly:

"While there's life there's hope, and——"

"Say, quit that will you!" exclaimed the lawyer, as loud as he dared under the circumstances, his spite aroused by Mr. Pener's somewhat derisive smile—"You are not in a nursery! You are in a criminal court!" His last words were loud enough to attract the attention of spectators several feet away.

Mr. Leering's behavior sent the blood rushing to David's cheeks. Ashamed and mortified, he made up his mind to say nothing further on the subject, at least for the present, trusting thus to silence him. But the lawyer was in no mood for silence, and Mr. Pener's smile was almost exasperating to him:

"What you and your *friend* think, will not change the logical course of events one little bit! No, sir, not one iota!" David's very evident nervousness only seemed to spur the speaker on: "The trouble with you artists is," he went on, "that your heads are crammed full of that kind of reasoning which feeds for its existence on the most illogical of imaginations. You build up and tear down, in your fickle minds whatever happens to strike your fancies, without as much as giving a single thought to the fact that there are people living who would quickly land you in a lunatic asylum if you attempted to carry out your notions

in reality!" As the speaker paused to regain his breath, the journalist bent his head close to the artist, and whispered:

"I think your friend has been imbibing a little too much, and it's beginning to tell on him!" An expression of disgust came in the other's face, and he bowed his head.

"Sympathy is all right, Dave," resumed the lawyer in a more subdued tone, "when reason is behind it! But I don't take any stock in that kind of sympathy that makes a man forget the existence of his landlord, his grocer, his baker, and other matter-of-fact people until they knock on his door!" and as he concluded he clasped his hands around one of his knees and proceeded to rock himself to and fro, while a self-satisfied smile played on his red face. At this juncture the Judge's gavel rapping for silence resounded in the court room, much to David's relief, who took the opportunity to say to his friend Pener, in the softest tone:

"You are right; but I did not believe that he drank to excess!"

CHAPTER II.

"The People against Paul Truart!" came in resounding tones from the big chested court-crier.

"Here!" answered Mr. Smartman, his accent plainly indicating that he was deeply annoyed.

"Here!" responded Sincere, in a voice which denoted that his mind was free from any disturbing emotions.

The Judge arose to his feet. He was a tall dignified man, of a grave rather than a severe demeanor. The lines of his comely face indicated patience, firmness, and, above all, calmness. Good breeding was plainly discernible in his manner of speaking and in all his movements.

He saluted the two lawyers standing before him, which was acknowledged by Mr. Smartman with a quick nod, and by Sincere with a low, graceful bow.

"Are both sides ready to proceed with the case?" now inquired the Judge, looking from one opponent to the other.

"Ready!" said Mr. Smartman in a manner that was not entirely free from haughtiness.

"We are ready, if your Honor please," responded Sincere with what might have been taken for diffidency.

"That Sincere makes me sick!" muttered Mr. Leering addressing the artist, who was too much absorbed with expectation to hear him.

"Very well, gentlemen," said the Judge, after

a short thoughtful pause; then he turned to the clerk, "You may proceed Mr. Wheeler."

The two lawyers, following the Judge's example, resumed their seats; Sincere with a serene countenance, and Mr. Smartman with a somewhat surly one.

The crier's voice was heard again, a moment later, announcing His Honor's request, that all persons not connected with the trial—who had not been able to secure seats—withdraw from the court room.

It did not take many minutes for the throng, in which were not a few disappointed, and angry persons, to pass beyond the exit, and now the remaining spectators had an unobstructed view of the proceedings.

As the clerk began to call the jury roll, Mr. Leering's face lit up with a tantalizing grin. He turned to the artist a few seconds later:

"Say, that Sincere makes me tired!" he whispered. "He has the cheek of a horse to stand up there against a man like Smartman! When I saw those two"—referring to the defense—"come into court, I thought, as I'll bet nine out of every ten lawyers thought, that your friend was going to plead guilty, by the advice of counsel, and throw himself on the mercy of the Court!"

David sat with folded arms staring at the floor at his feet. He seemed not to hear the lawyer's remarks. The surprises, the mortifications, and disappointments, he had been subjected to, had all but enervated him for the time. Mr. Peneer regarded him with deep sympathy.

"There is no good reason," he said, "so far as

I can see, for you to worry so over your friend's predicament at this stage of the proceedings. Innocent persons are very seldom, if ever, convicted in our courts. Come, cheer up, Dave. Just look at him, he does not seem to regard the situation half as serious as you do!"

The journalist's remarks had the effect of arousing, at once, his friend's energy:

"Pener, you are a good judge of human nature; tell me now, without any reserve; do you see anything in his features, in his form, or in his behavior that denotes brutality?" he said, his voice trembling with emotion.

"No, I do not!" said the other without hesitation, "and it would take some very good testimony to incline me to think the contrary."

"Do you hear that, Mr. Leering?" said David. The lawyer merely gave his shoulders a shrug, and pretended to be very much interested in watching the clerk's movements.

Hardly had the last man, of a panel of over seventy, answered to his name, when the crier's voice was heard once more, this time, notifying all persons who had any good reasons to offer for not serving on the jury, to—step up to His Honor, and they would be heard.

Over two dozen individuals immediately took advantage of this chance; but only three or four of them were excused.

"Did you notice the faces of some of the men whose excuses were not entertained?" said Mr. Pener, addressing David, who like himself had been an interested observer of the proceeding.

"Yes, I did; and their looks seemed to show ill feeling towards the Judge."

"Very true," said the journalist, "and I have seen this lamentable show of temper displayed very often in our courts, which shows that there are not a few individuals who while quite willing to take advantage of all the good which our courts make it possible for them to enjoy, desire to shirk the duty they owe them in return—a duty which every citizen worthy of the name, ought to be very proud of doing! I hold that such people are a menace to its sacredness! I should not care to have them sitting on my trial, if I were so unfortunate as to have one."

"Neither would I, Pener, and I do hope that none of them will be selected to serve on this one!" said the artist earnestly.

"I am of the opinion," resumed Mr. Pener, in a modest tone, "that to give the commissioner of jurors the power to summon before him citizens to be examined as to their fitness to serve, by simply asking questions, and taking their answers—orally, or written—is not enough. He ought to be given ample means to enable him, in a private manner, to ascertain just *who* and *what* the citizens are, before conferring on them the honorable privilege of serving in our courts. Then you see, Dave," went on Mr. Pener after a short thoughtful pause, "a great number of citizens, selected from the highest moral standpoint, would be secured from which the courts could draw. And, it seems to me, much time would be saved and the ends of Justice surer reached."

"I think you are right, Pener, and it would

make such a spectacle as we have just observed, impossible."

Mr. Leering had heard every word of the journalist's remarks, with a cutting sneer of disapproval on his face, and had effected to consider them below his notice:

"Say! I'll bet you a good dinner, that it will take at least one week, to fill the jury-box!" he whispered to David, as he observed that the clerk was about to announce the name written on the first card he had just drawn from the wheel.

The artist did not answer him; but his face showed plainly that he had not the least desire for such a venture.

If Mr. Leering had based his calculations for getting a dinner at David's expense on the supposition that it was a part of the scheme of the "adventurers" back of the defense to prolong the trial as much as possible, as he had intimated to the artist many times during the past few months, he was going to be disappointed in a most surprising manner—Mr. Sincere with a calmness and politeness, made all the more remarkable by Mr. Smartman's natural brusqueness, accepted not only the first man, but all the others selected by the prosecutor, without as much as asking them a single question!

"Well!" ejaculated Mr. Leering, as the seventh man met with the same treatment—the lawyer had been muttering continuously all sorts of comments on what he termed, "monkey business." Then he turned to David: "Just see what a chance you missed for getting a free dinner!" he said, with a chuckle.

"But what is that fellow up to, Pene! It seems to me simply disgraceful!—Why does the Judge permit it?" said the artist, beside himself with Sincere's irritating behavior, and Mr. Leering's untimely remark.

"I never witnessed anything like it before," returned the journalist quietly, "but he has, no doubt, some good reason for it!"

"Can't you see through it?" whispered the lawyer in David's ear, "Sincere knows that he has no case! He knows, as I know, and everybody knows, who has a grain of sense, that he is no match for Smartman, even if he had a case! Now mind what I tell you—He is going to throw no obstacles in the way of the prosecution, for two reasons—To curry favor from the Court and jury, by saving them time, and to work himself into Smartman's good will! And, further, I'll bet you a hat, that the moment the prosecution is all in, he is going to put your thoughtless boy on the stand, to recite some well concocted yarn, and let it go at that!" The speaker paused for a moment, and looked at his hearer, as if to see what impression his words had on him, then he added, spitefully:

"But you can gamble all you have on this; Sincere will fail in the trick, because if there is anything that judges and prosecutors despise, it is the too easy attorney for the defense!"

"I have remarked that by the contempt which Mr. Smartman observes towards him; but he does not seem to mind it though!" said the artist, softly in a tone of disgust.

"He mind it! That fellow has been connected

too long with newspapers to notice a little thing like that!"

David was right. Sincere did not, indeed, seem to pay attention to the prosecutor's remarkable rudeness. He kept right on—"like an automaton"—as one of the spectators expressed it, readily accepting his selections until the jury-box was almost filled.

This had grated so hard on the prosecutor's professional feelings as to cause him, at times, to forget his dignity so far as to treat the candidate he was examining in an unwarranted manner.

One peculiarity of the prosecutor, which struck David's mind very unfavorably, was his very pronounced hostility towards the newspapers. He would not accept any man to serve as a juror, no matter what his other good qualifications might be for it, who admitted that he read them and placed any faith in what they published, especially regarding criminal affairs!

Mr. Pene could have informed the artist of what was said on "Unquestionable authority" to be the principal reason for this. First, the attitude of nearly all the newspapers, prior to the last election, against Mr. Smartman's chief, which had, finally, induced him to refuse a renomination; and, secondly, their attitude against Mr. Smartman himself, in which they made it very evident, that his remarkable rise, in less than a year, from an unknown deputy to the most favored assistant, had not been due as much to "legal acumen" as to "political pull" and for "questionable services rendered!" All of which, and more, had easily convinced his party mana-

gers, that to place his name in nomination for the office of District Attorney, would prove not only impolitic, but disastrous to their interests!

Mr. Pender could, also, have informed his friend, that it was claimed by Mr. Smartman, that he—after the defeat of his party's candidate—had sent in his resignation, not because he feared dismissal, as his enemies hinted, or because he failed to fully appreciate the unsullied reputation of the new District Attorney—who claimed above all, to be an American citizen who proposed to conduct his office solely in the interests of the entire people—but, principally, for the reason, that the new chief had set himself, "high above all political parties" and he—Mr. Smartman—was a strict, and aggressive party man!

To show how much he had been maligned by the newspapers, regarding his professional integrity, he pointed to the "self-evident fact" that he had volunteered to remain in his position until the completion of the trial of the present case, thus saving the new head of office, "considerable trouble, and the state a great deal of expense!" But the journalist kept all this information to himself, and gave his attention to the prosecutor who was listening earnestly to one of his deputies who had just entered the court room.

"Mr. Smartman has very good reasons, for what you call—his animosity towards the newspapers!" said Mr. Leering, taking advantage of the pause in the proceedings; "one of them is that the majority of the people who read the trash they print about court matters, are without knowing it, influenced by it to the extent of enlisting

their sympathy on one side or the other of a case, thus making them unfit for jurors."

"Do you think so?" asked David in a whisper that had the sound of doubt in it.

"Why certainly!" returned Mr. Leering, as if surprised that there should be any doubt in the artist's mind as to the correctness of his assertion!

"Well," said the latter, "I am sure that what I might read in the newspapers, could not influence me one way or the other, if I was serving as a juror." Mr. Leering's face showed the contempt he felt for the remark. "Being under oath," resumed the artist, giving the journalist a look, who bowed his head in approval, "Being under oath," he repeated, "to form my verdict according to what the witnesses might say for or against an accused person, I know I could make myself forget, for the time, all that I had ever read, or even heard, outside of the court room!"

"Forget nothing!" returned the lawyer sneeringly. "Why the chances are two to one that you with your artist, and your illogical way of sizing up things, would be just the man to have your sympathy aroused, and misplaced without your having the remotest idea of it!" David's negative shake of the head that followed the lawyer's assertion, was returned by the latter by a derisive chuckle.

Hardly had the deputy alluded to sat down, when the prosecutor turned his severe looking eyes to the juror, sitting next to the foreman, and said to him in a cutting tone of voice:

"You are excused!"

The man greatly surprised, and, evidently, with the intention of protesting against his summary dismissal, arose and scowled at the prosecutor. He did not utter a word, however, but looked at Sincere, as if he expected that he would make some kind of a protest in his favor. Then as the counsel for the defense remained passive, he turned away in contempt, and looked at the Judge appealingly. A moment later, His Honor, who had been listening to Mr. Smartman's reasons for his action, turned to the expectant juror, and excused him for the rest of the term.

The man, made all the more angry by the prosecutor's sarcastic smile, left the jury-box, and made hurriedly for the exit, his countenance plainly showing the mortification and chagrin which raged within him.

"There goes an angry man!" said the journalist, in a deprecating manner.

"I too, would be angry to be treated like that!" declared the artist. "That makes the third man he has treated in that way!"

"I would not be surprised," said Mr. Leering, who appeared to enjoy the incident, "if Smartman changed the whole lot of them before he gets through!"

"The prosecutor does not seem to have any regard for a man's time or feelings!" said David, addressing Mr. Pener.

"Nonsense!" put in the lawyer.

"I believe," went on the other, "that when a man is dismissed in such a way, he is entitled, at least, to some explanation!"

"Entitled to nothing!" declared Mr. Leering,

turning on the artist, like one whose patience is at an end. "And let me tell you this: There is not a man enters that box, but that Smartman sets his deputies to find out who and what he is! And you may gamble your last dollar on it, that no man is going to serve on this trial whose interests are, or are supposed to be, in any way inimical to those of the prosecution!"

"I cannot understand," began David, but he checked himself, as Mr. Pener pressed his arm, and whispered to him, to drop the subject.

"Of course you can't understand! Well, I'll try to make it plain to your artistic brain! Sincere or his backers may try as much as they please to slide some of their friends into the jury-box, but they'll not succeed!" retorted Mr. Leering, teasingly.

"Oh, but that would be infamous!" declared the artist, unable to restrain his words, "I cannot believe that any lawyer, no, not even Sincere, would be guilty of such a crime! I think——"

At this juncture, the court-crier's voice was heard announcing a recess of one hour.

CHAPTER III.

"Come on Dave! let us get out of here. This has been the meanest, most beastly morning I have ever spent in a criminal court!" declared Mr. Leering, as he arose to his feet with some difficulty.

"Come on!" he repeated in a louder tone, as he smoothed his silk hat with his coat sleeve. Then, after putting it on his head with the rim well down on his eyes, he took several steps towards the exit.

David, however, did not seem to hear, or to see him. He turned to Mr. Pener:

"I cannot understand," he said, in an agitated voice, "what Sincere's motive can be for betraying the good faith of my friend in such an outrageous manner! A confiding, inexperienced boy, Pener, who, I am sure, never did him, nor his friends any harm!"

"But I can understand it, easy enough," snapped Mr. Leering, who, observing that the artist had not followed him, had retraced his steps in a surly mood. "The whole business is as plain to me as the nose on your face," he went on. "Let me tell you this: Your *very* confiding boy, is, and has been, only a plaything in the scoundrels' hands, who have misled him into the position he now occupies. They have all but deserted him at, what seems to you, the last moment, but, in reality, it is only the finishing of a long ago prearranged plan! You doubt it?"—

mistaking David's anxious look for one of doubt—"Say! Where are all the great lawyers who were going to be on hand to squelch Smartman, hey? Where are they? Where is that blustering editor—your boy's bondsman—who was going to turn the prosecution inside out? Let me tell you this: the whole business is nothing more than the biggest kind of newspaper bluff!" The journalist's broadening smile, seemed to still further arouse the speaker's spite, and, as if to give more emphasis to what he was about to add, he pushed his hat back from his brow, and brought down his clenched fist on the palm of the other hand, as he fairly shouted, "to mask one of the most stupendous advertising schemes, to enhance the sale of the vile journal engaged in it, ever perpetrated on an unsuspecting public!"

David's eyes lit up like those of a man who begins to penetrate the cause of a shocking mystery, while Mr. Pener's face indicated that he was more amused than angry.

"Editman, your boy's friend understand," still pursued the lawyer, "is at the head of this business; and he and his tool, Sincere, have easily caused the boy to regard himself as a hero. He is nothing more, in their hands, in reality, than an ignorant, conceited, little puppet, made to act according to the way the editor, and the attorney, pull the strings by which they hold him fast; and, which, you understand, they will drop only when the boy, as you call him, lands in jail!—I have it on the best authority."

David's demeanor plainly indicated that he believed the assertions to be founded on facts, not-

withstanding the lawyer's somewhat irresponsible condition.

"That proves to me," he said with repressed anger, as he stared from one to the other of his companions, "that what I suspected all along was true!"

"What's that?" asked Mr. Leering, who was about to take his leave, and paused again to listen.

"That this trial need never have taken place if my young friend had not fallen into the hands of his false advisers!"

"Why, of course not! Haven't I been telling you that all along!" said the lawyer with something like vindication in his tone.

"Yes, you did; but I could not make myself believe that there could be such depraved human beings."

"No, of course not. You are all right with your paints, and your brushes, Dave; but you know nothing of the nature of the general run of men and women. Believe them all rascals, until you find them honest. That's my motto. Yes, sir!"

"I would rather die than live with such feelings towards my fellow beings," declared the artist vehemently.

Mr. Pener bowed his head approvingly.

"No doubt, no doubt," said Mr. Leering, "but all the same, it often saves a man from being made a fool of. But come on!" he repeated for the third time, starting towards the exit, confident, apparently, that the artist would follow him. In fact, the latter partly arose as if to do so, but

at that moment, Mr. Pener placed a detaining hand gently on his arm.

"Dave," he said, "I am very curious to know the reason for your evident animosity towards Sincere. Do you mind telling me?"

"Not at all, Pener," said the artist apparently glad of the opportunity.

Mr. Leering turned around very abruptly, and after giving the journalist a glance, such as one might give to an intermeddler, he directed his dark bulging eyes at the artist, with an expression in them which seemed to convey to him a peremptory order to keep silence on the subject. And as David did not seem to interpret it correctly, he bent over him, and whispered, anxiously, in his ear:

"Don't tell him. He is a newspaper man, and he has no conscience. It is my duty, as your lawyer, to warn you to keep your mouth closed. Come on! Let us get out of here. The recess will be over, before you'll get a chance to eat."

David, however, though he nodded his head understandingly, made no attempt to do as requested. He turned to Mr. Pener, and ignoring the lawyer's evident signs of resentment thus began:

"Let me, first of all, inform you Pener, that Mrs. Truart, her husband, and myself were children together, and that we attended the same school and church.

"After their marriage I became as one of the family." The speaker paused for a moment, as if undecided about which way to continue.

A grin came in Mr. Leering's face, as his resentment gave way to curiosity.

"You never saw, my dear Pener," resumed the artist, with pathos, "two creatures more suited for one another than they were. Their natures blended so well, that their twenty years of married life was one continued honeymoon. Ah, if you could have heard my friend's words, in his last hours, describing to me, in confidence, his wife's devotion to him during the three last years of his sickness—how she attended to him night and day, without a murmur, or the least sign of impatience, sacrificing her very health for him—how she worked on with superb courage, and not only managed to support the household, but found time to bestow a mother's care on her child, developing into a promising youth, you would say with me, that she is, indeed, a grand, noble woman!"

Mr. Pener inclined his head affirmatively, while the lawyer's grin was now replete with ennuendo, as he said to himself, "He is gone on the widow, all right—I can see now why he is so stuck on the son! Yet he kept it to himself!"

"I do wish you could see her miniature paintings, Pener!" went on the artist, enthusiastically, "the delicacy of contour they display—the exquisiteness of blended tints and hues—those marvelous touches—those effects, which though not found in the human face, yet make the portrait human—that altogether which manifests the work of a pure and gifted soul!" The speaker paused to subdue his emotions which had carried him beyond his subject.

Mr. Pener's countenance simply expressed the genuine, sympathetic, and art-loving nature he possessed. But Mr. Leering drew his head backwards, and stretched his arms out to their utmost, at right angles with his body, then drawing them up until his clenched fists almost met over his head, with a tension which made his whole frame tremble, he suddenly let them fall to his sides, at the same moment that his wide, gaping mouth closed with a snap. This unaffected rudeness caused the blood to rush to David's face, and the journalist to turn his face away in disgust.

"You can easily imagine, then, Pener," said the artist, "how dear Mrs. Truart is to me, and how much I feel for her son's misfortune."

"Of course!" thought Mr. Leering, shutting one eye, and looking, with the other, at David, in a knowing manner, "I know I was not mistaken—You long haired individuals can't fool me!"

"Just think of it, Pener—Paul is engaged to a beautiful, sensible, and accomplished young woman, whom he hoped to marry just as soon as his position warranted it!" said the artist deeply moved.

"I can appreciate fully what the thought of that must mean to him now!" responded the journalist.

Mr. Leering seemed, for the moment, to be interested in the colloquy, notwithstanding the sneering expression of his countenance.

"And how does the young woman take the situation?" asked Mr. Pener.

"Like the true little American that she is!" responded David enthusiastically, "she has stood

by her intended husband loyally, and proved a source of great consolation to his mother, who idolizes her.

"Why, Pener, she wanted to marry Paul at once—on the very day of his second arrest—so that she might place her money at his disposal!"

Mr. Pener remained silent for a moment. His voice trembled a little when he spoke:

"Paul refused, of course?" he asked.

"Paul is an American like yourself, Pener," answered David, as a tear rolled down his cheek.

Several minutes passed before David, who had, unintentionally, lost again the thread of his subject, resumed it.

Mr. Leering, in the meantime had been engaged, as he was now, in tapping the floor with the sole of one of his feet, with impatience.

"From the very first day of Sincere's acquaintance with the Truarts," pursued the artist, with repressed vehemence, "their manner towards me became reserved and cold, and it finally grew so to such a degree that I ceased my visits to their house. I blame that lawyer for it all!"

"Lawyer nothing!" put in Mr. Leering, yawningly. Then he made a move as if to take his departure: "I'll see you later on," he said.

"Wait, wait," requested David, quickly; "wait until you hear the rest; I know it will interest you."

The lawyer paused; his face had now a very bored expression on it. He looked at the speaker for a second in a hesitating manner. Then he placed one of his feet on the seat of the chair before him, pushed his hat on the back of his head,

and folding his arms across his elevated knee, he rested his chest upon them :

"Go ahead !" he said impatiently, "only be quick about it !" David was too much absorbed in what he was about to relate to notice his rudeness, and Mr. Pener paid no attention to him.

"When I beheld the poor inexperienced boy in the hands of that lawyer——"

"Lawyer !" broke in Mr. Leering, in disgust, "a little pettifogger !"

"In the hands of that lawyer," repeated the artist, "for whom I felt an aversion, even before you"—addressing the former—"informed me of his character, I tried to dissuade my friend, and appealed to his mother to dissuade him, from taking such an imprudent step. And when I saw that my well intended advice and appeals were almost resented, I resolved to save the boy in spite of himself."

"And there is where you put your foot in it !" again broke in the lawyer. David drew a long sigh before he resumed :

"So I called upon Mrs. Goodly, who is a very benevolent lady, to see if I could persuade her to use her influence to prevail upon the plaintiff—whom she has known for years—to withdraw the charge against the thoughtless, but good hearted boy——"

"Good hearted nothing !" interjected Mr. Leering.

"She not only readily entered into my plans," went on the artist, "but volunteered to call on such of her friends who had any influence with the man, and endeavor to have them go along

with her, so to make the appeal irresistible, as she said." The speaker paused as if to calm his emotions.

"Go ahead—go ahead!" said the lawyer, impatiently, after looking at the clock.

"Full of courage," proceeded the other, "by what I considered my great success, in that quarter, I now turned my attention in another direction. I succeeded, with letters of introduction, in reaching two prominent gentlemen, who were very intimate friends of the then District Attorney——"

"Hey!" uttered the lawyer, becoming at once interested.

"And in obtaining their assurances," resumed David, "of their willingness to help me in bringing about the success of my undertaking.

"Two days after this, I called on each of the gentlemen, early in the morning, by appointment. I had all the reasons for believing that I was soon to receive the information from them that my object would speedily be obtained. So sanguine did I feel of this——"

"Come to the point, Dave—come to the point!" again broke in the lawyer, after another glance at the clock.

"I already enjoyed in my mind," continued the artist, in a softer tone, "the happy surprise I would soon be able to give the sorrow stricken mother, when I would say to her—Your son is saved! The case against him has been dropped!"

"Dropped nothing!" snapped the lawyer, looking anxiously at the clock for the third time.

"And how I gloried, as I walked along," went

on the artist with rising temper, "over the satisfaction I would experience, in knowing that the lawyer who had so criminally misguided the poor boy would be crushed with bitter disappointment!"

"Say, Dave!" exclaimed Mr. Leering, like a man whose patience is exhausted, "I have an important engagement up town, I have. With me, you know, time is money! Let us hear about the District Attorney business!"

"Wait!—Listen, Mr. Leering. I had hardly turned the corner of the street, on which the two gentlemen lived, when on the opposite side, coming in my direction, I saw Sincere!"

"Hey?" came from the lawyer, in the middle of another yawn, as he bent his head towards the speaker.

"A heavy feeling came in my heart at the sight of that man!" went on David, with rising anger. "A presentment of disappointment came over me so strong, that for the moment I was on the point of giving up my mission."

"You would have been wise if you had," put in the lawyer.

"Well, the first gentleman I called on sent his butler to tell me, at the door, that he had ascertained that the merits of the case were widely at variance with what I had represented them to be, and that he hoped I would attempt nothing further in the matter, but let the Court deal with it!" The speaker paused, and looked in turn at his hearers, staringly, as if to see if they realized what his feelings must have been in such a trying moment.

Mr. Pener shook his head in a condoling way, and the lawyer contented himself with declaring, in a peevish manner:

"I expected to hear nothing else!"

"The other gentleman," went on the artist, restraining his growing anger, "saw me in his study. My presentment of disappointment was renewed, as I observed on the writing table a visiting card bearing the name Sincere!"

"Oh, I can see through the whole business, all right!" exclaimed the lawyer, putting on a wise look.

"Well, Mr. Richly—that was the gentleman's name—kindly informed me, that though he was fully in sympathy with me in my endeavors to extricate my friend from his unfortunate position, he had made up his mind to 'let the law deal with the matter'—for by so doing, the ends of justice would be better attained. And he wished me good morning! I went away, mortified, dazed almost; but this was not all. Still unconquered by my bitter experience, I called upon Mrs. Goodly, an hour later, by appointment." The speaker's eye showed plainly the anger that he was repressing.

"Now what do you think! What do you think!" exclaimed the artist, his anger getting the best of him. His companions stared at him as if in expectation of hearing something of an astounding nature.

"As the girl—the servant—opened the door to admit me, Sincere! mind you, Sincere, I say! passed out and down the steps with a mocking grin on his sallow face!"

"What!" cried Mr. Leering in unfeigned sur-

prise, as he sprang to an upright attitude, and then sat down again, and drew his chair nearer to the artist, "Say that again! You saw Sincere coming out of Mrs. Goodly's house?"

David bowed his head affirmatively, as he resumed his narrative in a subdued voice.

"I went in. Mrs. Goodly met me in the hall. Her manner towards me was distant, almost cold; the very opposite of what it had been during my previous visit. She simply informed me that she had made up her mind—to let the law deal with the matter!" The speaker paused for a moment, and stared at his auditors; "Mrs. Goodly made use of the very words, you understand, which Mr. Richly, and the other gentleman had employed to bring my visit to a close!"

Mr. Pener, whose intuition made him suspect very strongly, by this time, that his friend's esteem, and very evident solicitude for Mrs. Truart, were prompted by something more than the feeling of mere platonic friendship, felt that he should, therefore, receive David's conclusions of whatever seemed to him antagonistic to her welfare, with caution.

"Don't you think," he said, "that, after all, Sincere may be acting in good faith?—For, really, Dave, it is all, or nearly all, guess work on your part——"

"Oh, no, no!" returned the artist, somewhat vexed—"I know, I feel it in all my bones, that he is a low perfidious fellow who would stop at nothing to gain his ends!"

"But, Dave, I cannot see his motive for what

you attribute to him," rejoined the journalist, in a pacifying tone.

"What, you fail to see a motive?" said the other with something like resentment in his voice.

"Some people," observed Mr. Leering, sneeringly, "can't see that a house is tumbling on them, until they find themselves buried under the ruins!"

"Only the other day I read of a young lawyer, who, in order to secure his first case in a high court, induced a guilty man to plead not guilty, when he knew, beforehand, that the poor ignorant fellow hadn't the slightest chance to escape conviction!" declared the artist in an angry tone.

"That's right, Dave. That's right!" said the lawyer, apparently enjoying what he thought was the beginning of an estrangement between the two friends.

"Well, Dave, all I will say is this," concluded the journalist, after a short pause, in a voice that had the sound of mingled regret and reproach in it, "that if Sincere has been guilty of the things you accuse him of, he is a fit subject for a lunatic asylum." The artist did not attempt to make any rejoinder. He folded his arms, and directed his eyes to the floor. Mr. Pener clasped his hands behind his head, and gently swayed his body to and fro. Mr. Leering seemed to have become, suddenly, so absorbed in his own thoughts as to make him forget to offer any remarks on the subject. But, after a few seconds, he turned abruptly to David and addressed

him very much after the manner of an attorney putting leading questions to his witness:

"Tell me—Mrs. Goodly's appearance, when you saw her, on the day mentioned, was remarkable, wasn't it? I mean her condition—that is—the expression of her face, and her manners, indicated to you that her mind was in a very perturbed state—that she was not her natural self just then? In other words," said the speaker, after a short thoughtful pause, "that what she was saying was distasteful to her—against her will, like?"

The artist quickly affirmed the last question, as he had all the others, with a nod. Mr. Pener all the while had been listening, with an amused smile.

"Didn't it strike you," finally asked the lawyer in a more consequential tone than he had observed during the other questions, "that she had been prevailed upon to change her mind?"

"Yes, it did! And now when I think of it, she looked just like a person who has been intimidated," declared David.

"Just so, just so!" said the lawyer in a way that caused the artist to look at him with wide open eyes.

"It is my candid opinion, Dave," went on Mr. Leering, with what seemed like virtuous indignation, "that the little sneak intimidated that woman to keep her from going to see the plaintiff, as he succeeded in some other way in keeping the two men from going to see the District Attorney."

"You are right, Mr. Leering. That is just

what I thought the villain's object was at the time!" declared the artist with energy.

Mr. Leering paused to think. If Sincere had so easily succeeded in prevailing on Mrs. Goodly not to go to see the plaintiff, might he not, also, have succeeded in prevailing on her to refuse to appear against the defendant, if Smartman had not subpoenaed her! She was his principal witness! The prosecutor ought to be informed of it at once. But he did not communicate these thoughts to the artist.

"It is a pretty bad business! A pretty bad business, Dave. You should have told me of all this before. I could have saved you a heap of trouble. But no matter. Say, Dave, that fellow ought to be shown up!"

"But tell me how!" exclaimed David, eagerly, almost turning his back to his friend, who still continued to rock himself, with the same expression on his countenance.

The lawyer lowered his voice almost to a whisper, when he bent nearer to the artist, and answered:

"By giving the whole disreputable story to Editman's rival newspaper, whose editor hates him worse than poison! Which, you understand, will show him up to the public and the Bar at the same time!"

"Good, good! Let us do it at once!" said David, impetuously. The lawyer did not answer immediately. A wise look came in his serious face. Then he said:

"No, the proper time for that will be after the trial."

"But why wait until then? Show him up now!" returned the artist, eagerly. "It might arouse a feeling of pity in the hearts of the jurymen for the poor misguided boy!"

"Don't you understand," said the lawyer impatiently, "that jurors are not permitted to read the newspapers? Besides it would only be putting the little sneak on his guard, wouldn't it? Leave him to me; I'll attend to him, all right!"

"Well, whatever you do," said the artist, resignedly, "I will stand my share of the expense, be it what it may."

"Oh, that is all right!" rejoined the lawyer, raising his voice to its natural pitch, apparently for Mr. Pener's benefit, who had not changed his attitude. "You must know, my dear fellow, that in showing up the little pettifogger's unprofessional behavior, which I mean to do as well as I know how,——"

"Good, good!" put in the artist, almost vindictively.

"I am doing only what any reputable lawyer would do!" went on Mr. Leering, drawing himself up with dignity. "There is an unwritten law, you understand, strictly observed by all the members of the Bar, in good standing, mind you, which makes it the duty of each and every one of us to show up any lawyer who does, or attempts to do, any act liable to sully the good name of the profession in the eyes of the lay world!"

"Of course—certainly—I—I—understand that fully!" said the artist, admiringly, then giving

the journalist a look, as if to say, "Is he not great?"

"And mind you!" added Mr. Leering, in a vexed voice, after giving Mr. Pener, who had answered David's look with a broad derisive smile, a resentful glance, "I would do it every time, no matter who got hurt by it! Yes, sir!"

At this point the lawyer arose to take his departure from the almost deserted courtroom. He pulled his hat well down over his brow, shoved his hands in his trousers' pocket, lingered for a few seconds, with his eyes directed at his feet, gave a side glance at the artist as if to see if he was going to follow, and then, as the latter, like the journalist, gave no indication of leaving his chair, he said, in a rather surly voice:

"I'll see you later." He had not taken a dozen steps, however, when he stopped abruptly and bowed his head as if struck with a sudden idea. Then, after a second or two, he turned to the two friends and beckoned to the artist to come to him. David did at once as requested. Mr. Leering changed his position so as to place himself between his client and the journalist, with the very evident intention of preventing the latter from observing what he—the lawyer—seemed confident was about to happen.

"Say, Dave," he whispered, in a wheedling manner, "I am deucedly short of ducats this morning. Will you let me have a fiver?"

"Certainly—of course!" replied the artist, unhesitatingly, as he drew forth a small roll of bank notes and gave him the requested amount.

"Hope it will not make you short," said the

lawyer, as he crumpled the bills in his hand and deposited them in his trousers' pocket.

"Oh, no!" returned the artist with the air of a moneyed man. "Let it go on account."

"Thanks, then, old fellow. I'll see you later. Goodbye," concluded Mr. Leering, grinning, as he made for the exit.

"Goodbye," returned David. Then he went back to his friend, and resumed his seat.

CHAPTER IV.

"In your account of your efforts in behalf of your young friend," said Mr. Pener, presently,—as if the slight friction of a few minutes previous had never taken place, "you made no mention of having appealed to the plaintiff, Mr. Roc—. What is his name?"

"Rochartreau," said David. Then he added with feeling, "Yes, I did!"

"Did you do so personally?"

"Yes. I called to see him three different times, but only succeeded in seeing him once."

The journalist's curiosity to know more on the subject was manifest, and David proceeded at once to gratify it:

"I called at his house on the day after the assault, when to my consternation I was informed that he was in bed, under the doctor's care, 'more dead than alive.' I called again, a week later, in company with Mrs. Truart and Miss Faithly—Paul's intended wife. We could not see Mr. Rochartreau; he was yet in a precarious condition; but we saw his wife. She proved herself to be what I imagined her, from her appearance: a haughty, hard-hearted woman whom neither our entreaties nor a mother's tears could move to pity! Just think of it, Pener, what Mrs. Truart, a well-bred, accomplished woman, must have suffered, to have her appeals for her son repulsed with disdain and rudeness! And here, Pener, is where Miss Faithly, who had been

opposed to my plan of making this visit from the time I proposed it several days previous, showed the kind of blood which runs in her veins. She slipped her arm around Mrs. Truart's trembling form, and opened her mind to Mrs. Rochartreau in a manner not to be misunderstood. She made her feel that she was not worthy of being compared with women like Paul's mother. That her pretensions, in the presence of a lady like Mrs. Truart, were ridiculous! And mind you, Pener, she said all this in a calm, dignified manner that proved all the more crushing to Mrs. Rochartreau, who fled from the room, red with passion and discomfiture, slamming the door after her.

"When we reached the street I ventured to remark that I felt it had been a mistake to thus antagonize Mrs. Rochartreau. I shall never forget Miss Faithly's words: 'It is never a mistake, Mr. David, to tell the truth to such a woman!' she said. 'Paul is innocent because he says he is; and he will prove his innocence in spite of that wicked creature! The mistake was in calling on her!'"

"And, in my opinion she was right!" declared Mr. Pener, with feeling.

"And just imagine if you can," resumed the artist, after a short pause, "what Mrs. Truart's suffering must have been, when, already filled with grief and wounded pride, she reached her home and was informed that her son had been re-arrested, and held under the present indictment!"

"Horrible!" ejaculated the journalist, deeply moved.

"Well, my dear Pener," said David, very dejectedly, "it was on the night of that very day that Sincere came into Mrs. Truart's confidence, and I went out of it." A deep, heart-felt sigh followed his last word.

"However," he began again, after some seconds, "I made one more attempt. Six weeks later I called again on Mr. Rochartreau, at his place of business. I stated the object of my visit, and he listened to all I had to say, with seeming patience and forbearance. I drew his attention to the high respectability of Paul's mother, and the exceptional connections of the young woman he intended to marry, and what a terrible blow a term in prison would mean to his present and future life. His actions led me to feel confident that I had succeeded in arousing the better part of his nature. So I appealed, with what little eloquence I could command, to him as an artist. I tried to picture to him, above all, the boy's genuine love of art and his industrious habits! But what do you suppose he did at this juncture, Pener!" The journalist raised his head and opened his eyes wide, inquiringly.

"He called his bookkeeper and requested him to help remove his coat. He then bared one of his arms, almost as far as the shoulder, and pointed to the horrid discolorations, the yet vivid indications of the blows he had received. 'Yes, you are right!' he said with a deep resentful scowl coming in his pale face, which drove all hopes for my young friend out of my mind at

once. 'His future as an artist is, indeed, very promising!' and he walked away, abruptly, towards his private office, leaving me where I stood, mortified and speechless."

"I can appreciate what your feelings must have been," said the journalist, condolingly. Then he added, "Does your lawyer friend know anything about this?"

"No, I never told him one word about it."

"And it is well you did not. He might have informed the prosecutor, had he been aware of it, and, very probably, you would have been called to testify to what Mr. Roch—Rochartreau exhibited to you."

"Oh, Pener, it would simply kill me, if I were compelled to appear against Paul!" declared David, his face becoming pale from alarm over the mere thought of it.

"You have no cause to worry on that score now," quickly rejoined the other, reassuringly. "It is my opinion, judging from what I have learned of these matters, that all the witnesses who are going to testify in this case have been examined by the prosecutor and subpoenaed." Then, evidently to change the topic of the conversation, Mr. Pener said, with apparent curiosity:

"Have you known Mr. Leering very long?"

"No, not very long—about—well, five or six months. That is, since Paul's first arrest."

"Oh, I see; a business acquaintance."

"Shall I tell you how I became acquainted with him? I know it will prove of interest to you."

"Please do so. I feel sure that it will," said

Mr. Pener in a manner not free from raillery, which the other, owing to his disturbed state of mind, did not appreciate.

"Late in the afternoon of the day of Paul's arrest a messenger brought a card to my studio, on which was written, in a hasty hand: 'Come at once to the — Court. A friend of yours is in trouble. Ask for Officer Dlixor.' You can readily imagine my surprise and consternation, Pener, when I tell you that up to that moment I had never seen the inside of a criminal, or any other kind of a law court! It completely unnerved me for the time. I did not know which way to turn for information in my predicament——"

"And did it not occur to you that I should have been only too glad to place my services at your disposal?" said Pener.

"Yes, Pener, I must admit that you were my first thought; but we had not met for some time previous. You seemed to want to shun my studio, under the mistaken——"

"Now do not bring that unfortunate matter up again, Dave! That incident was forever closed up yesterday—to our mutual satisfaction, I hope."

"Undoubtedly, Pener. But aside from that, not knowing who the party in trouble was and the character of the affair disinclined me from bringing my friend in it."

"My dear over-scrupulous fellow! Believe me, I would have liked nothing better. But go on, Dave, I shall not interrupt you again." And he smiled, and pressed the artist's arm ardently

in return for the expression of warm friendship that was shown in his eyes.

"Well," resumed the artist, "I hadn't the remotest idea to whom the card might refer to, and, as I hastened along in the direction of the court designated, I tried to think of every person who, I believed, had the right to call me friend, that might, possibly, have fallen into such trouble; but without success. Arriving, at last, at the court, I was soon in the vestibule. Quite a number of men, in small groups, were in there talking. I seemed to attract their attention. They saw, at once, perhaps, that I was a stranger in that place, and that I was very nervous. One of them, who smiled at me in a very familiar manner, and to whom I nodded mechanically, left his companions and came towards me, as a friend might do. I inquired of him for Officer Dlixor. He very kindly informed me that he did not know where the officer was then, and, as he spoke, he, without ceremony, took the card from my hand and read it.

"I see," he said, as he looked at me from head to foot. Then he placed his hand on my arm in a friendly manner and drew me in one of the corners of the vestibule, telling me, at the same time, that he guessed he could help my friend out. But just then, before I had the time to thank him, even, one of the other men, who had no doubt overheard me ask for the officer, called after an individual who had just come out of the courtroom and was going towards the street—'Dlixor! Dlixor! Here is someone looking for you!' The man addressed came quickly towards

me. He rudely snatched the card from the hand of my would-be friend and requested me to follow him. I wondered the other did not resent this treatment." Mr. Pener smiled broadly. David looked at him inquiringly.

"Go on, Dave; I was never more interested in a story than in this one."

"Once inside the courtroom the officer asked me if I had a young friend named Truart! I was so surprised at the mention of the name that a few moments passed before I could answer him. I inquired if the young man's name was *Paul* Truart, and he said it was the very name. Then he said seriously that if I desired to help Paul I must be quick about it, as the court closed in about an hour. But what has happened to him? I asked; and the officer told me that nothing had happened to my friend, but that he had 'almost done a man up.' He saw that I did not understand him, and he explained that Truart had assaulted an old man—his employer—very seriously. His words staggered me. I could not believe my ears. I insisted that a mistake had been made; that the Paul Truart I knew was incapable of committing such a disgraceful act!

"The officer beckoned for me to follow him. He conducted me to a sort of a corridor, in the rear of the courtroom, occupied on either side by small, narrow rooms, having heavy iron-grated doors! He stopped in front of one of them. I saw in the dim light the figure of a man seated on a rude bench, holding his face in his hands. The officer called to him by name, and he raised his head. Pener, I cannot begin to describe to

you my feelings when I saw that it was, indeed, my young friend! Oh! what an expression was on his face! Grief, mortification and anger all combined.

"Forgetting for the moment where I was, I tried to open the door to get to him. Paul then came towards me, in a hesitating way; he tried to smile when he recognized me, the poor fellow, and he asked me if I had been informed of the charge against him. When I answered in the affirmative he asked me in a choking voice if I believed him guilty of it.

"I assured him, with all my heart-felt sympathy I could command, that I did not, and shoving my hands through the grating, into the cell, I seized his, shook them warmly and promised him that I would do all in my power to get him out of that horrible place!

"He requested me, in a shaky voice, to make some plausible excuse to his mother for his absence, or if it was necessary that she should be informed of his position, to tell her that he was entirely innocent of the charge against him, and that he would soon be able to satisfy her of it.

"You can easily imagine, my dear Pener, how the mere thought of having to inform Mrs. Truart of her son's trouble unnerved me!——"

"You poor fellow!" Mr. Pener could not help saying, to show his sympathy for the artist.

"In my confused feelings of pity, sorrow and indignation," went on David, his manner plainly indicating that he was now experiencing the same emotions, "I must have hardly been aware of the import of what I said in favor of my

friend, his mother, the young lady he was going to marry, and against the law and judge responsible for the outrage of consigning so respectable a young man in such a horrible place!

"I was brought back to my senses, however, by the officer, who said to me that if I wished to help my friend I must do so at once. I did not lose another moment. I asked him to tell me what to do. He requested me to follow him, which I did after encouraging Paul with words of cheer. We were soon again in the vestibule. Several men started towards us, but the officer waived them off, and going to the street door he called to an individual who stood down near the curbstone, talking to a policeman. The man came to us at once, and Dlixor introduced him to me; he was Mr. John Leering."

Mr. Pener arose to his feet. The expression of his face, which up to this point of his friend's narrative had been more or less serious, now relaxed into a broad smile, which David failed to notice.

"He is a wonderful man," he continued, "and what he does not know about law is not worth knowing! You heard him! You can judge for yourself!"

"Oh, yes, I heard him. He is, indeed, a good talker!" said Mr. Pener.

"I can tell you," went on David, "that I was very lucky to get his assistance. You should have seen him! He just flew around in order to succeed in getting Paul out on bail. He ran here and there, first speaking to one official and then to another. Then he hurried me off to

secure a bondsman, while he remained behind, as he said, to use his influence to prevail on the Judge to stay in court until my return!" The journalist was now on the point of laughing. "It was only through his great exertions," continued the artist, "prompted chiefly by his sympathy for the young man, as he told me, that he succeeded in saving him from sleeping that night in a prison cell! But why do you laugh, Pener?"

"I will tell you some other time, Dave," said the other, forcing his face into seriousness as he added: "It is a pity that he drinks a little too much."

"Yes, it is, indeed, a pity. He is a fine fellow for all that. I know he has spells of vexation, which makes him act rude, and that he drinks—though I never saw him like today,—but he has a good heart, nevertheless, and he has given me lots of good advice!"

"Free, I suppose?"

"Well, no. But about one hundred and fifty dollars is all I have paid him, since I have known him."

"And a little sketch, or two, just for friendship sake?"

"Well, nothing worth speaking of. A couple of 'pot boilers,' as the professionals say."

"I suppose your legal adviser gave you receipts every time you gave him money?"

"Oh my, no, Pener! Why, such a thing as taking a receipt never entered my mind."

An expression of regret and then of indignation appeared in turn on Mr. Pener's face, followed, a second later, by one of passiveness.

"Come, Dave," he said, "and have some lunch with me. Dinner is out of the question now, as I wish to follow up this trial without missing any part of it, if possible."

"So do I. But I assure you, Pener, that I haven't the least desire to eat. You go, and I will remain——"

"Oh, no, no! You come along. A mouthful of fresh air is absolutely necessary to both of us, if nothing else."

As David followed the journalist out of the courtroom it dawned on him that his friend had not manifested any appreciation for Mr. Leering's services in Paul's behalf; and this fact perplexed him.

CHAPTER V.

When Mr. Pener and David re-entered the courtroom, His Honor, the eleven jurors, and the defense—in a word, all the principals required at this stage of the proceedings, excepting Mr. Smartman,—were in their respective places.

There were not so many spectators as in the morning, so the two friends found no difficulty in securing seats.

The Judge gave an inquiring look at the prosecutor's table as the hands of the clock indicated that the recess was drawing to a close.

A bright appearing young man—one of the new District Attorney's assistants, arose, and stated to the Court that Mr. Smartman was unavoidably detained and had requested him to ask His Honor's indulgence for a few minutes.

The Judge bowed acquiescently and then gave his attention to some documents before him.

"I do not see your legal adviser," said Mr. Pener, after he had given an observant look around the room. The remark brought back to David's mind what had perplexed it when he went to lunch.

"Pener, I would like to ask you for a little explanation," he said.

"I am at your service, Dave."

"I would like to know why you act so distant with Mr. Leering?"

The journalist's face grew serious, and he seemed about to reply in accordance with the

question, but merely answered it by a look of forbearance.

"Do you know anything against him?" asked the artist more perplexed than ever.

"I never met the man before this morning, Dave; and I never heard of him——"

"What! you a frequenter of courts, and a newspaper man, never heard of John Leering?"

"No, I have never heard of him before today," calmly answered Mr. Pener, shaking his head at the very much astonished artist. Then he added, "It may be because I never frequent district courts, Dave."

"Oh, but I assure you he is known in all courts. He told me so himself! The highest Judges, and lawyers—take Smartman, for instance,—are his intimate friends!"

"That is very fortunate for him, Dave," returned the other.

The artist looked at his friend, for a moment, as if to see if he was in earnest; then he said, with some feeling:

"Well, anyhow, my dear Pener, you and Mr. Leering ought to be friends. You are both professional men!"

The last words made the journalist wince, but he ignored them.

"The Judge shows much patience over the prosecutor's untimely absence," he said after a short pause.

"It seems to me," said David, "a want of respect for the Court."

His Honor, at this point, glanced once more at the clock; an expression of displeasure passed

over his face, as he saw that Mr. Smartman had already kept the Court waiting nearly five minutes! The Judge took up the gavel, and calmly wrapped for order. Then he turned to the Assistant:

"You may proceed with the selection of jurors, sir," he said in a voice that was free from the least semblance of annoyance.

"Well, I declare!" whispered Mr. Pener, in surprise, "Why that man is Commodore——!"

"You know him!" asked David, at once deeply interested in the last candidate for the jury box; for notwithstanding his peaceful vocation, he was a great admirer of soldiers, especially sailors.

"Yes, but not intimately," replied the other, as he watched the man going to the witness' chair; "How changed he is! I have not seen him for about two years."

The young Assistant Attorney, apparently glad of the opportunity thus afforded him, proceeded, after the commodore was sworn, to examine him without any loss of time, in a rigid, yet respectful manner.

The old sailor proved that he could be very affable, in spite of his decidedly severe military aspects. The young lawyer having at last, completed the examination to his satisfaction, and in a manner, which, as not a few of the spectators thought, might have done credit to Mr. Smartman himself, gave him over, so to speak, to the attorney for the defense, with a dignified waive of the hand. The commodore, having in turn been accepted by Sincere, in a manner which any prejudiced person might have taken as being "too

willing" was proceeding to the jury box, his brown face smiling with self satisfaction, when Mr. Smartman, apparently in a very bad humor, hurriedly entered the courtroom. He understood at a glance what had just taken place. His almost imperceptible bow, and his failure to offer any excuses for his tardiness to the Judge plainly denoted his resentment, against the proceeding. He scowled at the Assistant as he threw his hat on the table, then turning his snapping eyes to the commodore, who had paused, and was in the act of bowing to him, he requested him, in an unceremonious manner to resume the chair he had just vacated.

"That is a shame!" muttered David, loud enough to draw a warning "Sh——" from Mr. Pener.

That all the men who had been summoned to court to be examined for jury duty were not willing to submit meekly to the moods of the prosecutor, was about to be illustrated by the commodore in no uncertain manner.

Already extremely vexed by the treatment he had received from Mr. Smartman, he actually trembled with passion, as he again took his seat and observed the disrespectful expression on his face.

"If your Honor, please," said Mr. Smartman, in answer to the Judge's request to be informed why the commodore was not a competent juror, "I have it on good authority that this man is on terms of friendship with individuals whose interests are inimical to those of the prosecution!"

The Judge bowed his head indicating that Mr. Smartman might proceed.

"Do I read the newspapers!" exclaimed the commodore, in answer to the first question put to him,—the fire of hostility gleaming in his eyes—"Do I read the newspapers!" he repeated, in louder tones, elevating his thick eyebrows, and showing his well preserved teeth.

"By thunder, sir, I am neither an idiot, nor a recluse! By great guns! sir, I am an American citizen! I——"

"That will do! That will do! You may go!" said the prosecutor, interrupting the speaker, with voice and gesture well calculated to make him feel all the contempt they contained. The commodore's lips trembled with repressed indignation, as he turned to the Judge:

"With your Honor's permission," he said with all the respect he could command. Then he faced the prosecutor again. He gazed at him as if he would annihilate him, if he could: "I'll have you to understand, sir!" he said, shaking his index finger at him, "that the lowliest, the poorest, of American citizens, be he honest, is your compeer sir!—Nay, more," he exclaimed, as the sneer on Mr. Smartman's face became malicious, "by great guns, he is your superior, sir! Since he contributes to pay the salary on which you subsist sir!—I'll——"

"Rubbish! Rubbish!" broke in the prosecutor, forgetting his respect due to the Judge, to old age, and to his own dignity. "You may——"

"I'll have you to understand, sir!" retorted the commodore, pale with rage, "that a citizen by

giving up his time, and permitting himself to become a juror, does not lose any of his rights to the courtesy, and respect, due him by public servants, who are amply paid, yes, sir! amply paid for what they ought to do!—Aye, sir! sneer as much as you please!”

The Judge, at this moment rapped his gavel to suppress both the exasperated commodore and the slight commotion which his remarks had caused among the spectators, in different parts of the courtroom.

“You are excused!—You may go!” said Mr. Smartman, his red face denoting the mortification, his forced smile could not hide.

“Step down!” exclaimed the big court crier, in a most imperative tone of voice.

The commodore turned upon him with wonderful celerity:

“What do you mean sir?” he demanded, “by addressing a citizen, in such a rude, unwarranted manner!” The big court crier returned the speaker’s stare without quailing, “By great guns, sir! I’ll have you understand, that your manners, and your clothes, and your glittering gems, are all ridiculously at variance with your position, sir!—Aye, look at me as savagely as you please! Let me tell you, that I have seen many men earning their living, honestly, with pick and shovel who could do the duties of your position, sir! with much better grace! Yes, sir, with much better grace!”

At this point the commodore turned his back abruptly to the crier, whose grin only made his mortification and anger more noticeable, and ig-

noring the prosecutor, turned to the Judge, and bowed profoundly:

"Pardon me your Honor," he said in a most respectful manner, "Pardon the temper of an old man unaccustomed to the ways of criminal courts. Grant me, if you please, a few moments' indulgence. Permit me, your Honor, to take advantage of my prerogative—the prerogative of every citizen of our country—permit me to ask you this: Is it more dangerous to the ends of Justice, your Honor, for men, called to act as jurors to read the versions given by disinterested reporters of reputable journals, regarding the guilt or innocence of persons, than it is to listen to the versions on the same subject from the mouths of attorneys who may color them to suit their selfish interests, since it is their business to convict?—And, is the forming of an opinion on the first, your Honor, more reprehensible than forming one on the second? But aside from all that, your Honor, when I declare, under oath,—I who have never lied, nor stolen, nor ever broken the laws of my state or country—when I declare, I say, that I can, and will to the best of my ability, and understanding, help to render a verdict based solely on the evidence submitted to me—am I not, your Honor, am I not, I repeat, fully competent to serve on the jury?"

The Judge, who, contrary to the expectations of many of the spectators, had listened with calmness, and even with respect, to the old sailor, whose demeanor though natural to him, was open to censure, if not to contempt of court, in their eyes, simply said:

"Commodore, you have been excused by the prosecutor, and there is no other course left to me but to do the same—You are excused, sir, for the rest of the term."

The commodore drew up his eyelids as if in surprise, at what he heard, but instantly lowered them again, and returning the Judge's bow with a very respectful one, he said with perfect composure!

"I thank you, your Honor—Good day, sir." Then he proceeded towards the exit with a dignified, military step.

David drew a long sigh of relief as the commodore passed through the doorway:

"I am very glad the old gentleman is safely out of court," he said, "I expected every minute to see the Judge lose his patience——"

"This Judge never loses his temper. Besides it is evident that the man is not unknown to him. You heard the Judge call him commodore, and, I think, you remember, the commodore, in answer to the clerk, said he was a retired merchant?"

"Yes, that is so."

"His services in the late war were very considerable, which made him quite popular at the time. He was an expert and fearless yachtsman, and though not very rich, he fully equipped a vessel at his own expense, and placed it at the disposal of the government, insisting, however, on serving on it as a sailor before the mast. His ability was soon recognized and it was not long before he was made captain of it.

"It was only a few months after this, when owing to his intrepidity and sagacity, he saved

a whole fleet from falling into a trap, which brought victory out of a probable defeat, and a promotion to him of commodore. He served also in several important government positions abroad, with credit to himself and country, before taking his place again among his fellow citizens, as a merchant. But I will tell you more about him some other time."

"No wonder he resented the prosecutor's shabby treatment!" said David, vehemently, "And how quickly such men are forgotten!" he added.

"It could not be otherwise, Dave, when there are thousands of men who have done the same. It would take many volumes to record only a small portion of the deeds of real heroes, who, of their volition, modestly retired to private life, feeling amply rewarded in their own knowledge, of having served their country well!"

David bowed his head assentingly. Mr. Pener's words had aroused his spirit of patriotism beyond his power of expression. He followed his friend's example, and watched Mr. Smartman, who was speaking to the Judge in an earnest manner.

There were persons in court, however, who did not regard the commodore, and what he represented, with the same kindly disposition and respect as did Mr. Pener and his friend.

"They shouldn't have allowed the old crank to walk out of court, they ought to have pitched him out!" said one of the several individuals who had been permitted by the good natured guardian of the entrance, to stand in the deep embrasure of the doorway, which, while it hid them from the

eyes of the Judge, gave them ample opportunity to witness the proceedings.

"I guess all that saved him from the Judge was his age, as I understand that he's a stickler for the right thing in his court," said another, apparently his companion.

"Age or no age," said the first speaker, a man of big proportions with nothing else remarkable about him save a very red nose which harmonized well with the blotches of the same color on his cheek bones—"he should have been squelched!—I have no use for those old codgers who are always posing as the saviors of the country, whenever they gets the chance. They were all over paid for what they did, and I know it!" Then he added, "if ever he was a commodore!"

"Maybe," said the other, facetiously, "his right to the title comes from his having been the captain of some long ago defunct boat club or other," and then he chuckled.

"I'll bet," said the big man, after uttering some bitter remarks against union soldiers, and sailors, and especially against officers of all grades, "no such a thing would be allowed to happen in any other country!"

"In no other civilized country on the face of the globe—no, sir!" put in a shrivelled up individual whose linen indicated at a glance, his entire freedom from fastidiousness. At this moment, a rather tall and intellectual looking person, standing behind the speakers, whose hatchet shaped head was supported on a crane-like neck, bent his body forward until his chin almost rested on the shoulder of the big man, and with an accent

to his words which made it clear that his knowledge of the English language had not been obtained in the public schools, declared, in substance, that nothing else was to be expected in a country where politics ruled every thing! That the city of New York was one hot bed of political corruption! where political wire pullers dominated over church, and court! That nothing, good, bad, or indifferent, could be obtained without political influence! and that political influence was at the disposal of the man who had the most amount of money to pay for it! "And as for our Judges!" the speaker said in conclusion, as he held up his hands as if to ward off something revolting to his senses. Then he gave utterance to what sounded like—"Ough! ough! ough!"

"My gracious!" said David at this moment, catching sight of the last speaker, "I never saw such a neck on a human being!"

"Where?" inquired Mr. Pener, who had just jotted down an item in his note book.

"Over there, in the doorway."

"Oh, that rascal! I know his history pretty well," said the journalist. "He was turned out of the clergy in disgrace, and he managed in some way to become a lawyer. It was not long before he was disbarred for robbing his clients, and escaped going to prison merely through some technicality, and he now poses as a real estate broker!"

"Gracious! What kind of people there are! And what a head you have for remembering men and things!" said the artist looking at his friend, admiringly.

"Ah, there goes the last man in the box," said Mr. Pener, at this juncture.

"Well, I am glad that that part of the proceedings is over!" said David, with a sigh of relief.

"Don't be too sure of that!" returned Mr. Pener, smiling.

Hardly had he spoken, when Mr. Smartman turned to the jury.

"Are any of you gentlemen directly, or indirectly, connected with persons or firms dealing in any kind of material used by artists and decorators, in their business?"

An elderly man on whom the prosecutor's eyes had rested as he spoke, seated on the end chair of the second row, said that though he sold hardware principally, he sold thumb tacks, twine, and glue to such people!

"Ever sold canvas——"

"Yes, but as a side line——"

"Yes, just so. Ever sold any to the defendant, or his friends?"

"I cannot remember—maybe I have—I——"

"Did you ever say that you took no stock in the plaintiff, or words to that effect?"

"I may have,—his reputation isn't——"

"Well you are excused," said the prosecutor sarcastically.

"But——"

"But me no buts! You are excused!"

"That's a shame!" said Dave in an angry tone, as the man took his departure frowning at Mr. Smartman.

"Sh——" cautioned Mr. Pener.

The prosecutor again faced the jurors:

"Have any of you gentlemen any relations, or friends, connected in any way with—manufacturers of paper, such as the newspapers use, for instance?"

The eleven jurors shook their heads in a very decided negative way.

"Thank goodness for that!" said the prosecutor. Then he suddenly turned to the tenth juror:

"You told me this morning that you are a paper manufacturer?"

"Yes, sir," returned the man nervously. "We turn out wrapping papers and stationery goods in general."

"Yes, just so—just so. Why didn't you tell me that you turned out artistic wall decorations—known as Flock paper?"

"You did not ask me! besides we only carry it on as a side line."

"You did not tell me either, that you lost an order through the plaintiff?"

"I never met the man in my life! And I never——"

"You are excused."

"Well!" said the man losing his temper, "I am glad to get away!"

"So am I. Your memory is entirely too weak!" retorted the prosecutor, turning to the next candidate for the jury box, whom the clerk had already called to the chair.

The examination of this man, like that of the man who followed him, proved remarkable, only for its monotony. At last, when the panel was all but exhausted, and the day was drawing to a close, the jury was once more complete, and Mr.

Smartman dropped in his chair, like a very tired man.

"Are both sides satisfied with the jury?" asked the Judge, presently.

"The jury is satisfactory to me, your Honor," responded the prosecutor, in a rather bored manner, and only partly arising from his chair—a perhaps unintentional show of disrespect, which, if it was not a mere coincidence, drew a reproofing glance from the Judge. Sincere, who had remained standing, calm and pale, in a respectful attitude, bowed, as he replied, in a voice that was free from any semblance of affectation:

"The jury is entirely satisfactory to the defense, if your Honor please."

This genuine politeness was not lost on the Judge who bowed in return, as he resumed his chair.

"At least," whispered Mr. Pener to David, as the young lawyer seated himself beside the defendant, "Sincere seems to know what is due to a Judge."

"Yes, I admit that!" returned the other, who with a true artist's nature, was always ready to acknowledge anything good in friend or foe.

"And it is my candid opinion," went on the journalist, "that such respect is no more than what every lawyer, worthy of the name, ought to show to a person occupying such an exalted place! I have nothing but contempt for men wanting in this respect. And if there is anything that disgusts me, it is to see Assistant District Attorneys and deputies come swaggering into courts

as if they owned everything in them, when, in fact, they own nothing!"

The Judge's gavel, at this moment, resounded through the court room, and was followed, almost immediately after, by the crier's announcement that the court stood adjourned until the next morning at half past ten o'clock.

"Say, Pener, would you mind waiting here until the Truarts get out of court? I would not like to run into them, you know."

"Not at all, Dave."

"Pener, Pener, do look at the nose of that man! will you?— Over there in the doorway!" said the artist, as the big man, already mentioned, imitating the man with the crane-like neck, stepped into the room for an instant, thus bringing his face in full view of the spectators.

"Gracious! I never saw such a vivid color on a man's nose!"

"That color," said Mr. Pener, catching a glimpse of the man referred to, "cost him a great deal of money; quite enough to make most men consider themselves rich, if they had it."

"Do you know him?"

"Not personally; but I know enough about him to make me wish to give him a wide berth. He is now a process server, generally employed by disreputable lawyers in the lower courts, who occupy themselves with dispossess cases, and foreclosure of mortgages held against ignorant persons, by men who call themselves 'money brokers' but who are, in reality, the vilest of usurers."

"I wonder that such people are even permitted to enter courts, to say nothing of attempting to

get their help to bring success to their crimes!" remarked the artist, in surprise and anger.

"His father," resumed the journalist, "was one of those kind of patriots, who during the late war, used to sell their services to other patriots, who had to be drafted to get the chance to serve their country; and who, at the first opportunity that presented itself, deserted only to play the same game over again!——"

"Bounty jumpers!" said David contemptuously, "I have read about those rascals!"

"Well, when he could not serve his country any more in that capacity, he made his appearance in another one. He showed his appreciation for the men who were willingly risking their lives in defense of their principles, by giving them his unwholesome groceries, and worthless wares at incredibly exorbitant prices!——"

"A sutler!" put in the artist, in a tone of deep disgust.

"Exactly. Well, he ended that career by being found guilty of having committed certain crimes, which debarred him forever after from entering the camps of our armies!——"

"He ought to have been shot!" declared David, notwithstanding his abhorrence for bloodshed.

"That is just what would have happened to him had he dared to try it again!" said Mr. Pener.

"He made lots of money, though, in that business and he came here to New York, and set up a very questionable resort, under the very suggestive name of 'Free and Easy' by which he quickly added a lot of more money to his hoard——"

"The rascal! It really seems that all the bad

ones come to locate in our beautiful city," said David, his indignation showing in his eyes.

"Let them come! We are capable of successfully coping with them all! Some last a little longer than others, but each and every one who does wrong gets his deserts!——"

"Yes, I guess you are right, Pener."

"Well the man we are speaking of, was finally arrested on the charge of robbing soldiers, after making them drunk, and all that saved him from a long term of imprisonment, was his sudden death. The doctors said it was from a complication of diseases; but I suspect it was a case of suicide. It just took the son a little over two years to end as his father began—that is, with nothing," concluded the journalist.

"It seems, really, that the man who steals money, blindly takes what is sure to punish him in the end!" said David.

"I have never known it to end in any other way, Dave," said Mr. Pener rising to his feet, "the way is clear for you now; let us go."

The artist followed him. As they reached the corridor, they came upon a group of women engaged in exchanging spirited remarks.

"Wait a minute, Dave. Let us draw to one side and not disturb them," said Mr. Pener, as his ear caught the name of a well known periodical, just uttered by one of them.

"I'll never believe in that plagued old magazine again!" she declared angrily. "There, I've gone and left all my girls at the store, to do just as they please—lost a whole day—and have seen worse than nothing!"

"I never saw such a take in, in all my life!" said another. "I am going to give the old thing up! I won't pay another cent to it!"

"What a pity!" ejaculated the artist, referring to the two speakers, who were dressed in well fitting costumes, of bottle green, and black, and tan, and sable fur, respectively.

"The rich and chaste effects of their clothes are spoiled by the glitter of their profuse jewelry. Gracious!—look at the stouter one, her neck, ears, wrists, and fingers, dazzle with diamonds!"

Mr. Pener bowed his head understandingly, and continued to listen.

"Only the other day," declared a dashing looking young woman, robed in a "marvelous creation" of red silk, and sealskin, which now had David's attention, "I paid that magazine one hundred dollars for an article on my abilities, and for a picture of myself, in one of my best gowns. And the mean old things who took my money, didn't print half of what I told them to!—And as for the picture, it was simply a fright!"

"I pay no more of my hard earned money for that kind of business!" said the tallest of the group, whose form was enveloped in a combination of brown and black satin. "No more caricature portraits for yours truly, nor circus announcements, with the three little stars at the bottom of them! People take no more stock in that kind of——"

At this point, the journalist took his friend by the arm, and proceeded towards the exit.

"That woman dressed in brown," said the artist, when beyond the hearing of the chattering

group, "has indeed a very elegant figure! She might easily serve as a model for the most fastidious fashion plate artist. But tell me, Pener, what did she mean by the 'three little stars' she mentioned?"

"There are some publications," answered the journalist, in a tone of regret, "whose proprietors make it a business of printing in their columns, for pay, articles relating to men and things far beyond their intrinsic value. These articles are written in a way that may easily lead the unsuspecting reader to believe that the editor, or one of his staff, is responsible for them, which is supposed to give them the stamp of truth. The crafty proprietors, in order to protect themselves, in case they should be taken to task, for the deception, place at the bottom of such articles, three asterisks, or little stars, as the woman called them, to indicate that they are mere advertisements, for which, you understand, they hold themselves irresponsible."

"Oh, that is it!" said David, who continued after a few seconds. "That reminds me, Pener, that some time ago, I read an article describing the decorations of a certain theatre, in such glowing terms, that it aroused my curiosity to the extent, of causing me to neglect an important matter I had on hand, to go and inspect it. You can imagine my surprise, when I found that it was simply abominable—it had not one redeeming feature——"

"It must have had the three little stars at the bottom of it," broke in Mr. Pener, laughingly, as they passed into the street.

CHAPTER VI.

The weather on the second day of the trial was windy, cloudy, and very raw, and, moreover, it gave indications of growing worse; but, notwithstanding this, the courtroom was even more crowded than on the preceding morning. There were quite a number of lawyers present, who had come—some of them a long distance—solely for the purpose of hearing Mr. Smartman's presentation of the people's side of the case. They had been informed, on good authority, that it was going to be the greatest forensic effort of his professional life; and, perhaps, his last one before retiring to private practice. They were aware, also, how indignant, and mortified he was feeling, at finding himself face to face with an unknown attorney—an opponent whom he regarded as of no more consequence than a mere lawyer's clerk—instead of, as he had been led to believe, an array of distinguished talent worthy of his steel! They had learned, too, that he looked upon all this as a maneuver—a despicable trick—of his political enemies, and the newspapers, calculated to cut him, and to make him appear ridiculous in the eyes of the public, and especially in the eyes of his lawyer-friends, who were well aware of how hard he had worked to prepare himself for this trial. Finally, therefore, they expected that Mr. Smartman would pay his respects, in no uncertain manner, to all those whom he considered mainly responsible for his very trying

position. And this alone they were sure, would prove a rare treat well worth braving the weather to enjoy.

What contributed also to swell the number of spectators was that nearly all the witnesses for the prosecution were in court accompanied by some of their friends or relatives.

One of the former—Monsieur Rochartreau—sat at Mr. Smartman's table, and, judging from his deportment, he appeared to be in a very good humor. In fact, anyone not aware of his purpose there would never have imagined that he was soon to prove himself to be one of the chief witnesses in the disagreeable proceeding of trying to send a fellow-being to prison for as many years as the law would permit! He seemed, indeed, to be in his very element. Now and then he would stand up and give a smiling look around among the spectators. Then he would bow, first to one and then to another of his acquaintances, as he chanced to meet their eyes, in a rather obsequious manner; and as his bows were returned in a cordial way, especially by some of the women, his countenance would light up with an expression that plainly indicated that his heart was beating with gratified pride. He seemed, really, just as enthusiastic, so some of his friends thought, as when entertaining customers in his well-known "Salon of Antique and Modern Art"!

Monsieur Rochartreau had many admirers who believed that he had the best of good reasons for feeling proud of his remarkable achievements in his adopted city. They had seen him suddenly issue from obscurity, one might say, and with

wonderfully rapid strides reach the pinnacle of success—not only as an artist, but, also, as a business man! They had never had any cause for doubting that he was anything else but what he had always claimed to be: a persevering and conscientious man, devoted, as he happily announced it in his circulars, “to the high art of changing, as if by magic, commonplace house interiors into beautiful dreams of decorative excellence!”

“So that is the man your friend is accused of having assaulted?” inquired Mr. Pener of David, referring to Monsieur Rochartreau, who had just at that moment arisen once more to his feet and was again bowing and smiling at the spectators.

“Yes,” replied the artist, dejectedly, for his thoughts had reverted to the last fruitless visit he had made the plaintiff.

“And you say he is a Marquis?” asked the journalist, in a voice that suggested dubiousness.

“So I have been told by persons who have known him for years.”

“Well, he is, certainly, an uncommon sort of a man,” said Mr. Pener in the same manner, “if he is a nobleman, an artist, and a successful business man, all in one!” and the speaker folded his arms, and fixed his eyes, in a contemplative way, on the plaintiff, who was now staring at the entrance with evident anxiety.

If Monsieur Rochartreau’s anxiety was aroused by the fact that the defence had not yet “put in an appearance” and might never do so, he only shared the same feeling that prevailed among the spectators, in a more or less degree, who had seen

the "droll proceedings" of the previous day, or had read about them in the newspapers.

"This is the best thing I've read yet!" said a rather thick voice at David's shoulder. The artist turned around and found himself looking in Mr. Leering's grinning face. He saw at once that the lawyer had been drinking and was in a worse condition than on the previous day.

"I've been here for some time, and you didn't know it!" he said, chuckling with satisfaction. "Here, David, read it—it's fine!" he added as he offered him the paper.

The latter, however, refused it, politely but firmly, and to escape, if possible, entering into any conversation with him he turned to Mr. Pener.

But Mr. Leering, nevertheless, with his natural persistency, aggravated by liquor, bent towards him.

"Well, I'll read it for you," he said; "listen to this"; and before the other had the time to remonstrate, the lawyer began to read aloud, in a halting manner, and punctuated here and there with a grunt or a hiccough, which sent the blood rushing to David's face with shame and mortification.

"While we have nothing to apologize for to our many friends, for the stand we have taken all along, regarding the merits of the disgraceful affair—it is paying it a compliment to call it a case—candidness obliges us to offer them our humble apologies, nevertheless, for all the "great things" which were promised in connection with it, and which failed so signally to materialize

yesterday. "Great things" which we (in company with other decent papers) were led to believe would take place, and which we printed in our columns under the pardonable supposition that our information came from reliable sources!

"'But if all the 'great things' which the very wealthy editor of our very luminous contemporary promised in behalf of his protege have vanished in air—and even if the trial (?) should prove anything but a success, financially, or otherwise, our very esteemed editor will yet—in our humble estimation—deserve well, not only of all the citizens of our great metropolis, but of the whole English-speaking world!! Why? For having the enviable credit of being alone responsible for such a never-before-attempted, brilliant, and successful innovation, in the method of selecting jurors, as was plainly illustrated yesterday by the learned, and very aggressive,—Reporter—Physician—Lawyer, for—what shall we call it?— the defence?"

"And has he been a doctor, too?" broke in David, who had not been able to avoid listening to the reading, or to become interested in it.

"Oh, yes, he has been a doctor all right," answered the lawyer, without taking his eyes from the newspaper. "But I guess if he hadn't got out of that business he'd 'a' been up for manslaughter, long before this——"

"Horrible! Why, the fellow must be a regular adventurer!" declared the artist.

Mr. Leering shrugged his shoulders and yawned, and then said:

"Let me finish it, will you? Listen to this:

'But even though this trial may augment, considerably, the heavy burden under which our patient tax-payers are already groaning, those of them, we venture to say, who were present at the *amusing*, if not interesting, proceedings of yesterday, felt that, so far as the exhibition went, it was well worth the extra expense!' " The lawyer paused only long enough to give utterance to an approving chuckle, and then continued :

" 'We will say in conclusion that we have been informed that the young man selected—over the heads of so many respectable and older lawyers—by our far-seeing and esteemed friend and editor, to defend his poor, but *honest* ward, is as much of a doctor as he is a reporter, and as much of a reporter as he is a lawyer!!!

" 'We invite all our many readers to send us their guess on the probable outcome of the—business!'

"He, he, he," snickered Mr. Leering, as he folded up his favorite morning paper and then stuck it in the upper, outside pocket of his tan-colored overcoat.

"I wonder if Sincere has read it!" he said as if speaking to himself. Then he placed his hands on his knees, and yawned and grunted.

"Excuse me, sir," volunteered, just then, a tall, very thin man, who, notwithstanding his apparent threescore years, had the voice and movements of a man of forty, "but that article is simply the idle twaddle of an editor who knows not how to write!"

Mr. Leering, who showed an inclination to

doze, started, then turned to the speaker and stared at him resentfully. But his forced stare could not withstand the piercing, earnest one of the other, and he turned his back abruptly to him.

The latter frowned, and keeping his eyes directed at the lawyer's head, continued to speak:

"Oh, I know the writer of that article very well. He is a low-bred fellow who does not own his soul even! He is a stoolpigeon—a decoy—a pen-and-ink nondescript, who can write nothing but what suits the schemes of the clique of lobbyists and stock-jobbers, who give him just enough to eat, and nothing more! If his scoundrelly employers discover a decent man whose interests are inimical to theirs, be those interests what they may, he becomes, at once, the object of their scurrility!—a scurrility that grows with impunity according to the patience, or to the weakness, or to the exalted position of their victim, whose sense of propriety may render him unwilling to resent.

"Does it come to their ears through some envious and vindictive miscreant that a man who has succeeded by perseverance and honest efforts in establishing himself in a position in life worthy of the admiration of his fellow-beings, has committed some transgression against social or legal laws, perhaps unintentionally, and long ago atoned for and forgotten, then they take up the scent, and their well-trained pack of hounds never rests until the transgression is dug up and exposed, regardless of the grief, the tears, the sor-

row which may henceforth be the lot of husband, wife, children, and friends!

"Does this miscreant—this disgrace of journalism—ever make any distinction between the man who commits a single error, and is sorry for it, and the wretch who has committed a hundred of them, and continues to commit them with impunity?

"No! No more than does the brutal policeman who drags the former through the streets—the brute who ransacks his pockets at the station house—the brute who flings him into a cell, and the greater brute—the Justice—who to give an object lesson degrades him to the level of a hardened criminal, just because he was up to that moment a respectable man!

"And why do all these brutal people work in harmony with impunity? It is because their own lives will not stand the light of honest scrutiny. It is because they care not a fig for morality pure and simple. It is because they pander to that part of the multitude which is just as brutal and immoral as themselves, and from which they get that support that keeps them in their positions!

"The support of people, I say, who have been taught—by just such writers as the one in question—to acknowledge nothing in Nature but the work of stupid chance! People who look, therefore, upon all that has been purposely put beyond their reach, in the sphere of human attainment, not with eyes whose expression indicates a logical appreciation for the correctness, the beneficence of God's laws, but with eyes which indicate the

envy, the hate, the desire to pull down and to destroy, which rankles in their breasts!

"And where lies the blame? It lies in the too patient passiveness of the great preponderance of our population, though made up, as it is, of honest, industrious and highly Christian people!"

The speaker, who had worked himself up to a high emotional state of mind, and who seemed unconscious of the many nods of approval bestowed on him from those seated within the hearing of his subdued voice, folded his arms and closed his eyes like a man who falls into reverie.

"Are you acquainted with him?" said David, in a sympathetic tone, after glancing at Mr. Leering, who was still pretending to be dozing—as he had done throughout the old man's remarks.

"No, Dave; but I know of him," replied the other, who, to gratify his friend's evident curiosity, bent towards him and whispered:

"He calls himself a journalist of the old school, and in his younger years he caused himself to be much talked about—mostly in an unfavorable way—by publishing an essay in which he advocated the giving of the choice of sword, pistol, or the cowhide to the editor who maliciously, or ignorantly, attempted to lie away a man's or woman's reputation and refused to make adequate retraction!" The speaker could not refrain from smiling at his friend, whose eyes manifested plainly that the romantic part of his nature was aroused.

"He wrote and spoke just as he felt. He had no tact—no more than he has now—and you can

easily understand that a man of such a make-up can never succeed in the newspaper field!"

Whatever David's opinion was on that point, he kept it to himself.

"After he returned from war——"

"Was he a soldier too?" asked the artist, his admiration growing.

"Well, not quite. He was a newspaper correspondent, with a roving commission——"

"A very dangerous occupation!" put in David.

"Yes, indeed! The loss of two of his fingers proves that. Besides he was wounded once or twice, and taken prisoner several times, to say nothing of the narrow escape he had from starvation!"

David could not help turning his head to steal a glance at the man, whose eyes were still closed.

"Such a man is a real hero, if ever there was one!" he said to his friend earnestly.

"On his return to New York," went on Mr. Pener, "and after meeting with many discouragements at the doors of editors' sanctums, he succeeded after many attempts in starting a paper of his own, and became himself an editor!"

"I dare say he had great success. He surely deserved it!" broke in the artist, full of enthusiasm.

"He made many enemies, who had powerful influence and money; and a few friends, who had neither of the two indispensable adjuncts necessary to bring success to a newspaper! In a little more than two years it went to the wall, and he went to jail for a short time, through the machinations of his enemies, political or otherwise——"

"But that was a crying shame!" said David so loud that it drew Mr. Leering's attention to him. "It seems to me that the editor of the paper he had risked and suffered so much for ought to have come to his rescue!"

"On the contrary, he became his bitterest enemy!"

"Incredible!" ejaculated the artist.

"Shortly after that," went on the other, "he gave to the public a number of brochures, containing, in substance, about the same as you heard him give expression to just now, but written in a much more forcible manner. Newspaper men understood at once at whom they were principally aimed, and none more so than his one-time editor, and the quibs and the unfounded recriminations that followed fast and plenty in the latter's paper, though they showed beyond a doubt that the brochures had struck home, only intensified the old man's resentment! But here comes Mr. Smartman!"

Mr. Leering opened his eyes wide when he heard the journalist's subdued exclamation. He arose to his feet the moment he beheld the prosecutor.

"Ah, that's the man for you!" he said loud enough to attract the attention of the newcomer, who smiled at him in a kind of a patronizing way.

Monsieur Rochartreau arose nimbly to his feet and advanced several steps to meet Mr. Smartman.

"The young villain has not made his appearance yet!" he said he shook his friend's proffered hand in an ardent manner. The latter did

not express any surprise and led the way to his table.

"That is in very bad taste!" observed Mr. Pener.

"Yes, that is so indeed!" said the artist, who had prayed in his heart—without wishing him any harm—that the prosecutor might never make his appearance!

"I wouldn't be surprised if the young scamp had skipped!" said Mr. Leering at this point, loud enough for the artist to hear, but uttered as if speaking to himself.

David's evident wish to avoid the subject seemed to make the lawyer all the more determined to enter in it!

"If he is not more of a fool than I take him to be," he went on in a tantalizing manner, "he must have seen, yesterday, what I saw and you saw, and everybody saw who has a grain of sense!"—he gave vent to a hiccough and a yawn—"that his lawyer—so called—doesn't amount to a row of bent pins! If he has come to that conclusion,"—yawningly—"which is the only conclusion, recollect, that anyone short of a lunatic can come to, I would not blame him, much as I would like to see him put where he belongs, if he'd put himself beyond the Canadian border by this time!" and the lawyer yawned and stretched his arms, hiccoughed and chuckled, and then grinned at the artist, whose resentment he had aroused.

"But such an action would prove him a despicable coward!" said David, unable to resist taking his young friend's part, in spite, even, of

Mr. Pener's advice to ignore the other's remarks. "And I can assure you that he is incapable of doing anything of the kind!"

"Say, where was your young friend when the detectives arrested him? Why was he hurrying towards the Jersey City ferry, hey?" asked Mr. Leering, brightening up.

The question seemed to make David wince. He answered him in the next moment, however:

"Because a man happens to be going in the direction of a river, that is no sign that he intends to cross it!"

"Dementia! Dementia!" said Mr. Leering, sneeringly, as he tapped his forehead with the fingers of one of his hands. This made the artist angry.

"I am surprised!" he said, "that you, an able lawyer, a broad-minded man—as I have always believed you to be—should permit yourself to be so prejudiced against Paul—a mere thoughtless boy—because he did you a small injury—a prank, such as any schoolboy might do!"

Mr. Pener bent his head in a listening attitude.

"Go on! Go on! Go on!" said the lawyer, in a sing-song manner, while he nodded his head up and down.

"Because a man commits an assault on another man," went on the artist with increased anger, "does that prove him to be a cowardly, dishonest one?"

"Go on! Go on! Go on!" repeated Mr. Leering, with a crafty look in his eyes, such as a cunning man might have who feels confident

that he is drawing his excited antagonist into a trap.

"Might not an unscrupulous rascal, for reasons of his own," continued David, "by repeated provocations, drive his victim to turn on him and assault him?—a victim who, up to that moment, had been a peaceful and honest citizen?"

"Go on! Go on! Go on!" again repeated the lawyer, in the same manner.

"Well," said David, in conclusion, "young Truart has always shown himself to be, fundamentally, a good, brave, persevering boy—I have known him since he was a child—and even if he is found guilty of the crime imputed to him, my faith in his still possessing those good qualities will not be shaken in the least degree!"

Mr. Pener bowed his head approvingly.

"Are you through?" asked the lawyer sarcastically, after he had stretched his arms and gaped. David did not answer him. "Now listen to this: Didn't you, yourself, tell me that you took him into your studio, and gave him free tuition? Say, didn't you tell me that you helped him along for years, paying him, even, while learning! That you gave him your confidence—treated him, in fact, like a younger brother?" David still kept his silence, but his face showed the anger and mortification he was repressing.

"Silence signifies assent!" said Mr. Leering, grinning at the artist's seeming discomfiture. "And how did he treat you—how did he repay you for your kindness? He left you abruptly, didn't he? Without any proper notice—without a word! And why? To go and give the benefit

of what he had received from you—stolen would be the better word—to a stranger!”

David did not utter a word, but his body was restless from agitation.

“Silence signifies assent!” again repeated the lawyer, whose face now assumed an indignant aspect. “And when did he do this? When did he do it? Why, according to your own words, just at a moment when you were in very straitened circumstances, and he might have been of great help to you!”

“I was excited, angry, out of my mind, when I told you such stuff as that!” declared the artist.

“It is just in such moments when men tell what their real feelings are!” retorted the lawyer.

“You do not know what prompted Paul to it. His actions were simply those of a well-meaning but thoughtless boy!”

David’s attitude of resentment, and the tone of his voice, which had the sound of disgust in it, seemed to arouse Mr. Leering’s rancor.

“Stuff and nonsense!” he said, turning, with staring eyes, on the artist. “Say, when your *thoughtless* boy was first arrested for almost beating his employer to death”—David winced and drew away from the speaker—“say,” went on the other, frowning at the action, “didn’t I work like a dog to save him from sleeping behind prison bars? Did ever a lawyer work harder to prevail on a Judge to accept bail in so small an amount than I did? And didn’t the young rascal see it? Didn’t he hear me plead?” Here the speaker paused to take breath. “It is useless for me to tell you that I am pretty well

known in this town! And, whether you know it or not, I have a pretty good pull in certain quarters! Well, when I was informed by—well, no matter—that the young scoundrel was to be re-arrested, in order that his bail might be raised to the amount it is now, and what it ought to have been then,—what did I do to prevent it?”

David opened his eyes wide, inquiringly.

“Of course you don’t know!” proceeded the lawyer in an injured tone. “Well, let me tell you that I sat up one night—yes, one whole night!—to prepare myself to fight against that attempt with tooth and nail! Yes, sir! prepared to fight against one of my best friends—Smart-man!”

The recital of the injuries he had received at the defendant’s hands seemed to sober the lawyer up somewhat.

“I’m no boaster, Dave, and you know it,” he went on in a steadier tone. “If I thought I had a single hair of conceit on my head I’d hunt for it, if it took me a month, and pull it out! Yes, sir! Now, how did the young beggar pay me for all this? He ignored me! Turned his back to me! Without even an I-thank-you, he appeared in court on the day of his re-arrest, in the hands of another lawyer! Lawyer!” repeated the speaker with all the contempt he could throw in the word. “A little pettifogger! A man without legal standing! A little sneak who but a few months ago was nothing but an impecunious law-reporter for one of the worst papers published!” Here the speaker drew a long breath and then added spitefully:

"Well, your thoughtless boy has made his own bed; let him lie on it! That's all I say!"

"You know very well," said David in a mollified tone—apparently sorry for Mr. Leering for the treatment accorded him, for which, however, he wholly blamed Sincere—"that I am willing to pay you for your trouble in my friend's behalf, and——"

"Of course, of course! you are willing to pay!" broke in the lawyer in an injured manner. "But money is not all a professional man looks for—any more than an artist does. But let it go!" Mr. Leering uttered the last words with a magnanimous air, which drew a look of self-reproach from the artist and a quizzical smile from the journalist.

CHAPTER VII.

Monsieur Rochartreau, after a few moments of deep thought, looked up at the clock, and, observing that it wanted scarcely five minutes to mark the half hour, turned to Mr. Smartman, and, without attempting to disguise his anxiety, asked him:

"Supposing that the young villain does not come—that he has run away?"

"Well," said the prosecutor, rather facetiously, "you will then have very good reason, my friend, to thank your stars that you are not his bondsman!" There came an expression in the other's face which might have been produced either from displeasure or satisfaction. His friends laughed outright.

"There is one sure thing about it," said one of the latter, "and that is, that should you not have the satisfaction of seeing the young fellow go to prison, you will, at least, have the satisfaction of knowing that someone will have to pay ten thousand dollars for your disappointment!" and the speaker chuckled at his own wit.

"Oh, I am not so anxious to send the young scamp to prison as you seem to suppose," said the other quickly, his face growing serious. "No, indeed, I would have willingly given twice that amount if I could have withdrawn from this unfortunate affair with honor! In fact, if the fellow had answered my letter in a straightforward manner, acknowledging his crime, and

agreeing, as I requested him to do, to leave the city until the disagreeable affair had been forgotten, I assure you, gentlemen, that this trial would never have taken place!"

"What!" exclaimed the former, with the sound of incredulity in his voice, "you offered him that chance and he did not take it? He must be a fool as well as a brute!"

A frown came in Mr. Smartman's face, which caused his hearers to become serious.

"And let me tell you, friend Rochartreau, that that action, on your part, was a most egregious folly!"

"But just think of the influence brought to bear upon me!"

"That's it! That's it!" with a show of deep feeling. "There is where the main trouble lies. There are many persons who have plenty of money, but not enough of right reason, who, in spite of the fact that they are generously contributing their money to bring about a better state of society, are neutralizing their own good work by permitting their sympathies to be played upon by officious or designing individuals, to the extent of actually throwing obstacles in the way of the District Attorney's office!"

Monsieur Rochartreau and his friends looked admiringly at the speaker as he paused.

"Well, I will frankly admit," said the former, "that I was wrong. But you know, of course, that I am an artist, and having an artist's nature, my feelings are easily played upon. Besides I have always had an abhorrence for courts! I will confess that this is the first time of my life

that I have ever been in one! And then, you see, you understand I felt sorry on account of his youth!"

"I'll wager that you had no thought about his youth when he was laying it on you!" said the prosecutor banteringly.

Monsieur Rochartreau's face grew very pale, and a peculiar expression came in his eyes which was entirely out of harmony with the smile that for a moment played around his mouth.

"Say, my friend," inquired one of his companions, seated at his side, who, if his laughing features did not belie him, was of an inquisitive nature, "I should like very much to ask you a question!"

"A dozen, if you like!" answered Monsieur Rochartreau, bowing low with mock politeness.

"No, only one. How is it that you, an American citizen and a voter, have never been, before this, inside of a court?"

"Why, simply because I have always settled my troubles out of court. Sometimes, I'll admit, much to my disadvantage! Does that satisfy you, sir?"

"That is all very well; but how about jury duty?"

Monsieur Rochartreau seemed to be taken quite by surprise, and his face flushed slightly. Then he said, "Oh, well," and he closed one eye, while he looked slyly with the other at the prosecutor, whose back was turned to him. Then he turned and smiled cunningly at his inquisitor as he placed his index finger to his lips to request silence on the subject.

"You see," whispered the inquisitive one to his nearest companion, "what it is to have influential friends? Now, I have had to serve every year, business or no business!"

"Well, you got paid for it, didn't you?" inquired the former. "What more do you want?"

"Oh, yes; oh, yes, I was paid for it! One time I was compelled to sit for three whole days listening to half a dozen lawyers fighting over a patent case, and received fifty cents for it! I was told that those lawyers were getting a hundred dollars a day, apiece!"

The speaker's voice was so grievous and his face looked so sober, that his companions laughed at him without restraint.

"All good citizens," said Mr. Smartman, who had caught the drift of the conversation, and, unintentionally, put an end to the remarks offered on the subject by Monsieur Rochartreau and his friends, "ought to consider it a high honor to be permitted to serve as jurors! They ought, in fact, to be very glad to serve without pay!"

"Do you know, my dear fellow," said the inquisitive one, after the few seconds of silence which followed the prosecutor's observation, as he placed one hand familiarly on Monsieur Rochartreau's shoulder, "that you are one of the luckiest men living?"

"Why, how do you make that out?" returned the other in genuine surprise.

"Simply because you are the best advertised man of the day!" rejoined the former in a voice that was not free from envy.

"Oh, I never looked at it in that light!" said

Monsieur Rochartreau, shrugging his shoulders with affected unconcern.

"I'll bet that fifty thousand dollars wouldn't begin to pay for all the free advertisement you and your business have received during the past four months!" concluded the other.

Monsieur Rochartreau's eyes brightened as if with great satisfaction and he was about to give expression to his feelings when he was interrupted by the loud sound produced by the court-crier's hardened knuckles rapping on the panel of the private door to the courtroom, announcing the coming of "His Honor!"

"Your young friend is very fortunate," observed Mr. Pener, after His Honor had taken his seat and occupied himself with looking over the papers lying before him, "to have this Judge preside over his trial."

David listened very eagerly.

"There is one thing, in particular, for which I admire him; it is his very humane treatment of the unfortunate persons who are brought before him for sentence. No man has ever gone from him with a pitiless, terrible peroration ringing in his ears, causing very probably the last spark of something good to be forever extinguished in his breast. A spark which forbearance and Christian advice might have saved to eventually grow into a permanent flame!"

"It must be a heart-rending experience to a man whose past life has been free from any kind of crime, and whose associations have been refined and moral, to suddenly find himself in such a position!" remarked David, whose eyes became

moist, as he pictured his young friend standing up to receive his sentence, pale, hopeless and crushed!

"You will see, as the trial goes on, how particular he is in looking after the rights of the accused——"

"Oh, I am very glad he is such a Judge!" said David, "for he will see, plainly, that Paul stands in a worse position than if he had no lawyer to defend him—that he is really to be pitied more than punished! What wonderful patience he displayed yesterday with the old commodore!" The speaker turned to Mr. Leering. "You should have been here——"

"What, to listen to that old newspaper notoriety-seeking crank? Why, if I had been the Judge, I'd sent him to the Island!" broke in the lawyer, who added, after a prolonged yawn, "I'll give the newspapers their due, though; they all but ignored him for his trouble. Why, the man was stark crazy!"

"There was 'a method in his madness,' nevertheless," whispered Mr. Pender to his friend.

The lawyer's eyes stared with maliciousness at the vacant chairs of the defence, then at the full jury-box, and then at the clock, whose hands were on the verge of marking half past ten! He had just turned to address the artist, who was almost breathless from expectation, when Sincere entered the courtroom, closely followed by the defendant and two women dressed in black and heavily veiled.

"I knew he would come!" said David in a shaky voice. "The taller one is Paul's mother,"

he added, addressing both of his companions. "The other is Miss Faithly."

Mr. Leering's sardonic smile disappeared from his face, and he closed his eyes as if he had been suddenly overcome with drowsiness.

"I am very glad your friend has come," said Mr. Pener, "but I am of the opinion that the two women acted imprudently in accompanying him to court today. His lawyer ought to have advised them against such a step."

"That lawyer!" said the artist contemptuously, as he stared at Sincere, who was just sitting down alongside of the defendant, after having secured chairs for Mrs. Truart and her companion at the end of the table, nearer to the spectators.

"The People against Truart!" shouted the crier.

"Ready!" answered Mr. Smartman, after having arisen slowly to his feet, in a voice that manifested that he was not troubled with weak lungs.

"Ready!" responded Sincere, in a calm, distinct tone. He had been the first on his feet, but waited, from modesty no doubt, to give the prosecutor precedence.

"You may proceed, gentlemen," said His Honor.

During the few minutes in which Mr. Smartman was arranging his papers, the two women and the defendant became the subjects of the eyes and the comments of the preponderance of the spectators. And while the former aroused, for the most part, the sympathy and pity of those who knew their relation to the accused, or divined it, the latter aroused their censure and animosity

for his demeanor under the circumstances, which they regarded as disgusting bravado!

"Did you see the vindictive looks which Rochartreau has been giving your friend?" said Mr. Pener.

"Yes, indeed! He seems to hate him," said David regretfully.

"So would you!" put in Mr. Leering, like a man who is just coming out of a doze. Then he added, after distending his mouth to its utmost width in a long-drawn yawn, "if he had all but pounded the life out of you!"

"I cannot understand," said the journalist to David, who had turned his back to the lawyer, "how a man can be an artist, in the best sense of the term, and yet possess such an evident vindictive nature! The two things don't go together! The few artists I am acquainted with would have to be forcibly taken to court to make them appear against a young man like your friend, under the same circumstances!"

"I believe it, Pener—I believe it!"

At this moment, Sincere, with the permission of the Judge, drew near to the bench and addressed him. His voice was inaudible to all save His Honor, who listened with close attention. The young lawyer's face was very pale, and his manner seemed to indicate that he was in an anxious state of mind.

"He is going to throw up his case!" was Mr. Leering's mumbled prediction. But whatever Sincere's object was, the majority of the spectators soon came to the conclusion, judging from

His Honor's negative shake of the head, that he had failed in it!

The lawyer for the defence, however, did not lose his self-command. He bowed very respectfully to the Judge and quietly resumed his seat.

CHAPTER VIII.

Never had two lawyers met in that court before so unequally matched—judging from appearances and reputation—as Mr. Smartman and Sincere.

The latter was rather slim, though well formed, and his countenance had a natural careworn expression about it. His manners and way of speaking might have been taken to express his want of confidence in himself.

He was almost unknown to the public as an attorney; and he was not popular with the limited number of newspaper men, who knew him only as a law reporter, for the reason that he kept aloof from them—not, however, in a manner to give them any real cause for offence.

The former was a portly man, about twice the weight of his opponent, somewhat taller, and, apparently, at least ten years his senior. His face was inclined to floridness, his dark eyes were bright and snappy, and his demeanor and tone of voice suggested at once that he did not underestimate his own importance.

"That's the man," said Mr. Leering, as if speaking to himself—referring to the prosecutor, "who by right ought to stand in the shoes of the old foggy who is now—in name only—District Attorney. These hifalutin reformers make me sick! They pretend to want to reform the District Attorney's office, and they put in a man who knows nothing about the office! A man with hardly enough knowledge of criminal law to make

a passable deputy! What does he know about the ropes of the District Attorney's office? He'll be laughed at behind his back—yes, he'll be made a fool of, right under his nose!"

"Have you ever seen the new District Attorney?" inquired David of the journalist, who, like himself, had ignored the lawyer's remarks.

"Yes, several times. He is very much of a gentleman."

"I do not doubt that. Do you think he will be present during the trial?"

"I do not. From the latest accounts, he is confined to his bed."

"That is too bad. I——"

"Well, I wish him no harm," broke in the lawyer, addressing the artist, "but I'll say this about him, that Smartman will not be sorry for his absence!"

"What were you about to say, Dave?" said Mr. Pener, turning away his eyes from the lawyer in disgust.

"That I have a presentment that the District Attorney would show more leniency for Paul than his assistant."

"Perhaps."

"I tell you, Smartman is a wonderful lawyer!" resumed Mr. Leering, in spite of the inattention he received from the two friends. "His brain is just crammed full of original resources! Take my word for it, Dave, he can take a dozen fellows like Sincere and put them to sleep as easily as he can eat as many oysters!"

David's heart beat with tumultuous emotions as he saw Mr. Smartman draw himself up

straight and give a last look at the papers he held in one of his hands.

"The very idea of putting up a fellow like Sincere against such a lawyer is preposterous!" he said to himself. "It is a mockery, a perversion of justice! There is no hope for the poor boy!" Then his eyes turned to the jury. "They are not hard-looking men," he thought. "Those twelve men hold, after all, the fate of poor, misguided Paul in their hands!" His face brightened as he continued. "Yes, yes, the jury system is right, is grand! It is the poor man's protector when he stands alone—worse than alone—in the hands of scheming, dastardly persons, bent on his destruction! Those men must see that Paul is not a bad, vicious criminal, and that, therefore, the punishment he has already undergone has more than paid any debt he might have owed to the law! Those jurymen," he went on in his fervid mind, "are, maybe, fathers, or brothers, and their hearts must beat in sympathy for such a respectable boy in his great trouble! They will not, surely, permit him to be put away among vile habitual criminals, forever lost to——"

"If your Honor please," began Mr. Smartman, breaking the oppressing stillness that prevailed. But at this very moment Sincere arose slowly to his feet and looked at the Judge as if he desired to be heard.

The prosecutor turned quickly towards him and stared in surprise and anger.

"He is going to throw up his case and throw

his client on the mercy of the court!" whispered Mr. Leering to the artist.

David was too agitated to speak. Mr. Pener bent forward to listen to what Sincere was about to say.

The Judge turned towards the young lawyer and inclined his head to signify that he would hear him.

"If your Honor please," said Sincere bowing, "I would ask, with your permission, that all the witnesses in this trial be ordered to leave the courtroom before Mr. Smartman begins his opening, and that they be admitted only one at a time to give their testimony!"

"The little sneak!" hissed Mr. Leering spitefully, "to resort to such an antiquated trick! Of course, he was put up to it!"

"Of course!" repeated David in a trembling whisper. Mr. Pener pressed his friend's arm and smiled at him.

The witnesses for the prosecution, who had arranged themselves comfortably in their chairs, in anticipation of hearing and seeing all the interesting features attending the beginning of an important trial, gazed at one another in astonishment and anger, and then at the prosecutor appealingly.

Mr. Smartman, taken completely by surprise, was nonplussed for the moment. Then, as it dawned on his mind that this move was, perhaps, a part of a pre-arranged plan, by those back of the defence, to annoy him, he glared at Sincere as if he could throttle him; and in the next instant he censured with great vehemence what

he considered a most unpardonable discourtesy to the "parties concerned." He declared that, while he knew of no authority for preventing such an affront being perpetrated on highly respectable people, he felt bound to say that nothing was more calculated to make it difficult for the District Attorney's office to secure the presence of reputable witnesses in court!

Sincere did not make any response, but stood calmly awaiting His Honor's ruling.

"Very well, Mr. Sincere; it is one of your rights!" said the Judge, and almost immediately after, the crier was instructed to request all witnesses in the case of "The People against Paul Truart" to follow the officer to a small room adjoining the trial chamber, "And there await the further order of the Court!"

Monsieur Rochartean arose to his feet with a spring. His sallow face bore a threatening expression. He threw his top coat over his arm, snatched his hat from the table, spoke a few words to the prosecutor, and then, followed by his mortified looking friends, he left the room in such an agitated state of mind that he failed to notice the many bows and looks of sympathy which were bestowed on him by his acquaintances among the spectators.

"Mark my words!" said Mr. Leering, as the order of the Court was being executed, "that trick of Sincere, which no decent lawyer would be guilty of, will only embitter the witnesses against your *thoughtless* boy!"

"I agree with you in that!" said David; then he turned to the journalist:

"Do you not think that Sincere's action was contemptible?"

"I think it was a decidedly good move!" declared the other.

"Stuff and nonsense!" said Mr. Leering, as he gave Mr. Pender a cutting glance.

"You really think so?" asked the artist, very much surprised.

"I certainly do; and I will tell you why," said the journalist, in a voice too subdued for the lawyer to hear. "Take, for instance, in a case where there are substantial reasons for suspecting that there is collusion between the plaintiff and his witnesses. Well, if such witnesses are allowed to hear the charges against the accused, as prepared, and presented to the jury, by an unscrupulous prosecutor, they will clearly understand, of course, what he—the prosecutor—expects to prove by their testimony! And, moreover, if each of said witnesses is permitted to hear what the one preceding him has sworn to, the probability is that the unsuspecting jury will look on their side of the case as a pretty strong one—if not conclusive. Especially if, as in this instance, the defendant has no witness!"

"Do you mean to say that Sincere has secured no witnesses to testify in Paul's behalf?" exclaimed David loud enough to reach Mr. Leering's hearing.

"So I have been informed, and——"

"What witnesses do you suppose he could have subpoenaed?" broke in the lawyer, sneeringly. "Mrs. Goodly, whom he almost frightened to death, and the two men who saved your

thoughtless boy's neck by preventing him from killing his employer?"

Mr. Leering's words sent a shiver through David's body.

"Oh, the boy must, indeed, be out of his senses—crazy—not to see that he is a dupe—a sacrifice!"

CHAPTER IX.

Hardly had the last witness passed out of the courtroom when Mr. Smartman once more faced the jurymen. Before addressing them, however, he partly turned towards Sincere and said—in a voice which was not free from sarcasm—

“I would suggest to my learned friend—the counsel for the defence—that if he has any other motion to make, he make it now! at once, as I do not want to be interrupted again!”

“Childish—devoid of dignity!” whispered the journalist.

“That is what I call short and sweet!” declared Mr. Leering, whose chin almost rested on David’s shoulder.

“Sincere does not seem to mind it!” observed the latter. The defendant’s lawyer was at this moment engaged at writing and did not give the least indication that he had heard the prosecutor’s remark.

“Oh, that fellow has a nerve of brass. He is——”

“If your Honor please,” said Mr. Smartman, bowing slightly to the Judge. Then he turned again to the jurymen.

“Gentlemen, I know that you are all thrifty business men, and that your time is very valuable to you!”—he spoke to them in a confidential manner, as if their acquaintance was of long standing—“And for that reason I shall endeavor to take up only so much of it as is indispensable

for the proper presentation to you of the People's side of the case about to be tried.

"I am not going to attempt to describe to you when and how and where the horrible crime for which the prisoner stands indicted, was committed. I propose to leave that unpleasant task for the victim of it, and his witnesses.

"First, let me tell you this: The answer put in by the defence—which in the face of the very evident facts is staggering, to say the least—is a short but sweeping one: a total denial of the victim's allegations! In a word, if you please, that the said assault never took place!"

The prosecutor paused for a moment and gazed at the jurymen with wide open eyes, as if to impress them with his own sense of the enormity of the assertion!

"But," he continued, in an assuring manner, "I shall prove to you, nevertheless, that said assault did take place, and that, moreover, it was entirely unprovoked by any act on the part of the victim of it!

"I shall also prove to you, gentlemen of the jury, beyond any shadow of doubt, that the injuries received by said victim at the hands of his murderous assailant were of such a cruel, serious nature that he—the victim—lay for weeks in physical and mental pain—lingering between life and death!

"I shall prove to you—to your entire satisfaction—that said injuries were not inflicted by the assailant on his victim in self-defence—the common plea of thugs and murderers—but of his own wicked volition!

"And, lastly, I shall prove to you—beyond any reasonable doubt—that the rabid assailant's onslaught was not the act of impulse brought on by any unforeseen quarrel with his victim, but that it was the consummation of a long premeditated design, of which the prisoner had boasted of months and months before!

"All this, and more, I shall prove to you, gentlemen of the jury, to your entire satisfaction, by unimpeachable witnesses, who are patiently waiting in that room"—pointing with his hand to the rear of the court—"to be called to testify, as becomes sterling American citizens, with no motive in view save the highly commendable one of seeing to it that justice be done not only in behalf of one of their honored and respected fellow citizens, but also in behalf of an outraged community!"

"Now, what do you think of that!" whispered Mr. Leering to David, as the prosecutor paused to rearrange his papers. "But you just wait," he went on in a louder tone, observing the expression of dubiousness on Mr. Pener's face. "Just wait until he gets right in it. The opening of a case is quite original with him. Some lawyers insist that he takes up entirely too much time, and that his beginning is more like the end! But that's all nonsense, you know; sour grapes! He thinks, as I think: Let the prosecutor, at the start, impress the jurymen with the soundness of his side of the case and with the flimsiness of the other side, and the chances are nine out of ten that he will carry the majority of them with him to the end!"

"According to that, then, the fate of the man on trial lies, almost entirely, in the ability and craftiness of the prosecutor, regardless of his innocence or guilt!" observed the artist, notwithstanding Mr. Pender's attempt to keep him from paying the lawyer any attention.

"I don't catch on!" said the lawyer quizzically.

"It is fortunate," resumed Mr. Smartman, "that it does not happen very frequently that the District Attorney's office is called upon to prosecute such a disagreeable case as the one before us. Disagreeable, gentlemen of the jury, because of the fact that a number of highly respectable people have been dragged in it through the machinations of unscrupulous individuals who ought to be themselves behind prison bars! Individuals, I say," repeated the prosecutor in a louder and more contemptuous tone, "who have sought to make it appear, with brazen affrontiveness, and in the face of convincing proofs to the contrary, that the poor in our great city stand no show of obtaining justice in our courts! Individuals, I repeat, who, as owners or editors of newspapers—so called—preach, on their editorial pages, against immorality—against gambling in any form, against all, in a word, that is dishonest in public and private life, with all the fervency of outraged virtue! But who, on their other pages, publish the advertisements of the most degraded of human ghouls! Publish in attractive forms the alluring inducements of fake stock-brokers, and poolroom thieves! Publish the advertisements of deep-dyed scoundrels whose

vocations are those of heartless confidence men and robbers of widows and orphans!"

Mr. Smartman had quickly worked himself up to such a passion, by this time, in his denunciation of the men he had reason to believe were his malicious enemies, politically and otherwise, that he seemed all but overcome by it; but he managed to cry out, in a voice that was loud and hoarse—his red face showing in every line the emotions that raged within him:

"Behold! gentlemen of the jury! Look for yourselves how the rich and virtuous editor—the champion of the poor, looks after the interests of his protegee!" and he pointed with trembling hand at the defence, with the deepest of contempt flashing from his protruding eyes. Then he added in a hollow tone:

"But I will say nothing further on this subject just now," and as he paused he drew his handkerchief from beneath the breast of his coat to mop his perspiring brow.

David stared silently from one to the other of his companions. He seemed very much impressed with the prosecutor's exposure of Paul's bondsman.

"Fine! Fine! Smartman showed him up to the queen's taste, all right!"

Mr. Leering's warm comments brought a smile of gratification on the artist's face, which fled in the next instant, however, as Mr. Pener bent towards him and ejaculated softly:

"Bombast! Tirade! A ranting piece of mere defamation!"

"It is a case," resumed Mr. Smartman in a

calmer tone—after he had moistened his parched throat with a few swallows of water, “in which there are features that, in the hands of a subtle attorney, may easily be so put together, in a picture, so to speak, as to appeal, very effectually, to the kindlier susceptibilities of a jury composed of honest-hearted but weak-minded men!” At this point the prosecutor’s face and actions assumed an expression of biting sarcasm, which harmonized completely with the tone of his voice:

“First, there is the very evident youth of the prisoner, with a face in which unsophisticated persons might look in vain for any indications of brutality! A youth with a strong love for all that is refined and noble! A lover of art for art’s sake! A youth who is the sole support of a widowed mother, who, I have been informed, is a respectable person! It needs—in the absence of a child or two—in order to make the picture irresistible to the hearts of a jury composed, I repeat, of weak-minded men, to throw in the frantic efforts of a no doubt virtuous but misguided young woman, to marry the very promising youth on the threshold of the yawning prison——”

“You coward!” cried the accused, springing from his chair, in a loud, passionate voice that resounded throughout the room. But Sincere, with an agility and a strength which he did not appear to possess, forced him back in his seat and kept him there.

“Oh, let him come on! Let him come on!” thundered the prosecutor with telling dramatic effect, as he scowled at the accused with deep disdain. “Let him come on!” he repeated, ignor-

ing the Judge's gavel, rapping for order, as he turned to the astonished, indignant jurors and cried, in still louder tones, "I promise you, gentlemen of the jury, that he will find no Monsieur Rochartreau to deal with here!" and he brought down his fist on the table before him with a violent blow! But the accused did not stir; he spoke to his lawyer.

For the ensuing three or four seconds perfect silence reigned in the courtroom and all eyes were directed at the Judge in expectation.

David's heart almost ceased to beat in apprehension of what Paul's rash act might bring on his own head.

The silence was broken by Sincere, who, with the accused standing at his side, calm and pale, addressed the Judge in an anxious and apologetic manner:

"If your Honor please, the defendant humbly craves your pardon, and desires to assure you that no disrespect whatever was intended towards the Court——"

"Very good," remarked Mr. Pener.

The Judge, much to the heart-felt relief of some, the disappointment of others, but to the surprise of the majority of the spectators, bowed to signify his acceptance of the apology, and turned to the prosecutor. "You may proceed, Mr. Smartman," he said, quietly.

An expression of disapproval came in the prosecutor's face. He appeared, for a moment, as if he was going to speak; but he turned to the jurymen, gave them a glance which seemed to

say, "Did you ever?" and then bestowed his attention on his papers.

"He, he," sneered Mr. Leering at the Judge's leniency. Then he added—in a self-vindicating way, "There's your harmless, thoughtless boy for you!"

David did not heed the remark, which aroused the other's spite.

"But did you see how neatly Smartman made the young fool show up his real character to the jury? That was a fine stroke of work!"

"Do you mean to say that he so cruelly and insultingly abused those two grief-stricken women for that ignominious purpose?" asked David, unable to keep silent.

"I certainly do!" returned the lawyer, looking admiringly at the prosecutor as he spoke.

"Then your friend," retorted the artist, incensed beyond control, "is not only a coward, but a cad and a scoundrel as well!"

Mr. Leering stared at the speaker in surprise for a moment; he had never heard him express his thoughts in such a manner before.

"Humbug! You're talking nonsense!" he muttered.

Mr. Pener again pressed David's arm to admonish him to remain silent, as he whispered: "Mr. Smartman is going to resume his address."

"But you are not weak-minded jurors," went on the prosecutor, as if nothing whatever had occurred to interrupt the proceedings. "You are plain, common-sense business men, who have not come here to be entertained, or played upon, by delusive pictures! You have left your offices,

your factories, and your shops, to come here to listen and to deal with cold, cruel facts!

"What are the cold, cruel facts? Let us see. The victim! You have seen him—here in court. A refined and educated gentleman, who would be the last one on earth to lift his hand in anger against man or beast! He is not a youth full of good promise, I'll admit—nay, he is almost old enough to be the prisoner's father! But his reputation stands unblemished as an artist and a business man, in the past as well as in the present! He has no widowed mother nor promised bride, it is true. But he has"—here the speaker's voice softened—"a very estimable, loving wife and a darling daughter!

"Can you imagine, gentlemen of the jury, the terror, the pain, the suffering, that mother and daughter experienced, when—having bidden the fond husband, and father, in the full enjoyment of his health, a God-speed in the morning—they received him in the afternoon, torn and bleeding, a wreck of his former self! The victim of a most fiendish onslaught?—Can you imagine that?—I know you can!"

The prosecutor, at this point, placed his papers on the table, and slowly took several swallows of water.

The faces of the majority of the jurymen plainly indicated to the spectators, that Mr. Smartman's efforts had not been exerted in vain.

"People who commit such crimes, as the one which the prisoner in this trial stands accused of—and of which I shall prove him guilty—generally have a motive for it, real or fancied, and,

sometimes, the circumstances are such that they tend to palliate it, though never to justify it in the eyes of the law! But in this instance, gentlemen, there were no such circumstances, as I shall prove to you! And there was no motive, save that which springs from a deep seated grudge, born of envy and malice, and which finally leads to crime!"

The prosecutor paused for a moment, and rested the palms of his hands on the table, bent the upper part of his body well forward, bringing his head nearer to the very attentive jurors, and asked, in a voice calculated to make them feel the same anger and indignation he seemed to be laboring under:

"And against whom, think you, did the prisoner direct his malignancy of heart? He directed it"—here the speaker drew himself up erect, and his voice was louder, and passionate—"he directed it against the man who, from the very first day he took him in his employ, gave him the generous hand of good fellowship! He directed it, I say, against the very man, who, regardless of his very valuable time, and his hard earned money, placed him on the road of honor, and prosperity!"

Again the prosecutor paused to select another memorandum from his papers.

"You couldn't expect anything else from the puppy, after the way he treated you and me!" whispered Mr. Leering in David's ear. The artist did not seem to hear him; like Mr. Pener, he sat silent and thoughtful.

"Just think of it, gentlemen of the jury," re-

sumed Mr. Smartman, as he held up his memorandum, after having glanced at it, to refresh his memory—

"This paper shows that thirty-seven cases of assault have been added to the calendars during the last two months!"

"That is since the great reformers have come into power!" remarked Mr. Leering, sneeringly. "That's reform for you, Dave, with a vengeance!"

"It is only a few days more than half a month since the new District Attorney came in power! And there has been no cases of this kind reported in that time, so far as I know!" observed the journalist for the artist's benefit.

"What, I ask you, gentlemen of the jury, is our once peaceful city coming to?" exclaimed the prosecutor, as he angrily crumpled the memorandum in his hand, "And let me tell you this: all the other crimes put together do not make one as disgraceful, as unpardonable, as black! as the one committed by the prisoner! Fortunate for him!" cried the speaker in a voice that vibrated in the silent room, as he threw the memorandum on the floor, "Fortunate for him!" he repeated as he turned and pointed to the defendant, and gave him a look which might have un-nerved most men in his position, "that he stands indicted only for *Felonious assault*! But I say to you,"—turning again to the jury—"and I shall prove it to you to your entire satisfaction, that if that very promising young fellow, who sits there in court, as placidly as any decent spectator, is not standing here before you indicted

for Murder in the first degree! it is only because his victim was at the time in possession of a very strong constitution, and in the hands of a wonderful physician! as I shall prove to you!"

A sound, like that made by a deep-drawn sigh, seemed to issue simultaneously from the spectators, and all eyes were directed to the defendant to see what effect the prosecutor's terrible arraignment would have upon him, and they beheld, much to their astonishment, that his countenance manifested only defiance and contempt! David, bewildered, undecided whether to approve of his young friend's demeanor or not, under the circumstances, turned his eyes to Mrs. Truart, and her companion. He understood plainly by their actions, the indelible agony which the prosecutor's last assertions brought to their hearts, and his moistened eyes denoted how sorry he felt for them. He blamed Sincere for it, and he vowed to himself that he should be made to suffer adequately for it at no distant day!

"Mr. Smartman has certainly succeeded in presenting your young friend to the jury in a very bad light," said Mr. Pener, to the artist, compassionately, "but there is, as yet, no reason for considering his case hopeless."—Mr. Leering smiled derisively—"People who frequent criminal courts," continued the journalist, in a softer tone, "do not place much importance on what some prosecutors say, against the accused, in the opening of their side of a case. It is their business you know, to convict. Their reputations depend on it. So it happens sometimes—I

have witnessed it myself more than once—that the prosecutor, in the heat of his arraignment of an accused person, becomes unmindful of the value of his words, to the extent of painting him in the most revolting colors, on the information given him by men and women, who, later on, as witnesses, prove it to have been quite unreliable! And—”

“But after all!” resumed Mr. Smartman, who had paused again to mop his brow, and moisten his throat with a few swallows of water—“We should not put all the blame on the prisoner, for his brazen affrontiveness under the circumstances! I venture to say, that had not his head been so completely turned by false encouragement, arising from the unstinted, and cheap notoriety given him by rapacious, sensational newspapers, he would never have had the temerity, the audacity, to demand a trial, but would have been very glad to sue for, and accept, whatever mercy the Court might have seen fit to accord him!”

The prosecutor had again worked himself up to a passionate degree.

His voice was now full of resentment, and his eyes were flashing with anger—

“And right here!” he cried, in his loudest tones, “Right here! gentlemen of the jury, I want to say to you, that there is a very decided inclination, on the part of certain newspapers—the scum of perverted journalism—to go outside of their putrid spheres, and attempt to assume not only the functions of our police department,

but, also, the functions of the District Attorney's office!

"But, let me assure you, gentlemen of the jury, that there is no man, in public or private life, who is more willing, and ready, to acknowledge all the great benefits to be derived, by our metropolis—yes, by our great country—from the freedom of the press, than I am! But, I declare to you,—and I hope that every newspaper man in this courtroom hears me—that when that freedom of the press makes it possible for rapacious individuals, under the honored name of journalism, to besmirch—to drag in the mud of obliquy, the hard-earned reputation of honest public men, for pay! When it makes it possible for craven sycophants, blind to all that is pure and holy, to enter, to crawl into the precincts of the private home, only to lay bare, to their too many morbid readers, what is scrupulously regarded as sacred, by all persons in possession of Christian hearts! When such a freedom, I say, makes it possible—besides all these things—for deep-dyed coundrels, to impede—to clog the wheels of Justice, with no other end in view than that of promoting—of prolonging, the sale of their loathsome sheets, then I declare it is time for all clean-minded citizens, regardless of creed or party, to cry halt! A thousand times halt!"

Applause broke forth among the spectators, in different parts of the room, as Mr. Smartman concluded. So pronounced, in fact, was the demonstration on the part of some of his admirers, that it brought a warning from the

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Judge,—that the courtroom would be cleared of all spectators if such an indecorous proceeding was again attempted!

"Now what did I tell you!" said Mr. Leering, his face—red with enthusiasm over his friend's forensic efforts—"Did you ever hear anything to beat it?—I guess not! I knew he'd hit some of those newspaper scribblers pretty hard all right!" and he gave the journalist a sneering glance.

David's cheeks flushed, and he drew away, apparently, to listen to Mr. Pener:

"In my opinion," said the latter, very softly, yet loud enough for the lawyer to hear, "a man who says too much, says nothing! And that is what Mr. Smartman has said in his half hour's talk!"

"Humbug! Nonsense!" ejaculated Mr. Leering by way of retort, though he seemed to be speaking to himself.

"The courtroom, it seems to me," went on the journalist, "is not the proper place for an attorney, and especially for an Assistant District Attorney, to give vent to whatever rancor he may have treasured up in his mind, against public or private men, who, in his opinion, may have—without good reasons—been instrumental in frustrating his political aspirations——"

"Bosh!—Bosh!" interrupted the lawyer for David's benefit, "That's the veriest rot!"

"And so far as editors are concerned," continued Mr. Pener, "if it is admitted that there are some, who are no credit to the profession,——"

"They're all bad, Dave!—The whole rank and file of them!" broke in Mr. Leering.

"Can Mr. Smartman deny, with truth, that there are quite a number of men, who call themselves lawyers, who are just as bad in their own profession, and a few of them even worse? Human carmorants, Dave, who if they do not rend their ignorant, helpless victims, and devour their flesh to the bone, they intimidate them, and rob them to their very skin!"

Whatever Mr. Leering was going to say in retort to what had 'hit him pretty hard'—to use his own words—was checked, at least for the moment, by Mr. Smartman, who, having at last arranged his papers to his apparent satisfaction, arose, and requested the courtcrier to call:

"Mr. John Toughler!"

CHAPTER X.

The slow-moving attendant who guarded the entrance to the room which held the witnesses, opened the door, and, in answer to the name he repeated after the courtcrier, a middle aged man, rather stocky, with hair of a sandy hue, made his appearance. He walked through the courtroom, in a leisurely way. He carried his head a little inclined to one side, and his swinging shoulders were drawn up to such a degree, that his coat collar almost touched the lobes of his ears. His demeanor might have been interpreted to signify, that he "feared nor cared for anybody."

When he reached the witness stand, he was handed the Bible, which he took with poor grace, and, after having been sworn, he sat down, tossed his head backwards, and with his upper lip raised, as if in contempt, stared inquiringly at the smiling prosecutor, while his hands toyed with his derby hat resting on his knees.

He said, in substance, in answer to Mr. Smartman's many questions,—after volunteering the information that he was not a native, nor a citizen of the United States—that he was a "fresco painter, in oil," as well as, "in kalsomine," that he could put in glass, do plain painting, and gilding; could hang paper, and could do plastering, graining, varnishing, rubbing and polishing. That he was what people in the business call, "a handy, all around man!" He declared

that he had worked, "off and on" for all the "best bosses" in the city "and that he had worked for his present 'boss' about seven years."

"Do I know Truart? Well I guess I do! And I know nothing good of him, either! He is—" here the witness was calmly rebuked by the Judge, who, also, requested the court stenographer to strike out the entire answer.

The prosecutor's cheeks reddened slightly:

"Just state simply, if you know the prisoner—Truart!" he said testily.

The witness, who showed by his manner that he was vexed over the Judge's reprimand, became more so when he observed the smile of deep contempt of the defendant, who had arisen to his feet at Sincere's request.

"O' course I know him!" he returned snapshly. Then he changed his large quid of tobacco, from one side of his mouth to the other, and masticated it in an angry manner. He became sullen, and showed an inclination to be reticent. But Mr. Smartman, with consummate tact, soon put him in better humor, and he looked boldly around the room—during the short pause that followed—with the air of a person who imagines that he is being regarded as a cute, gritty man!

Whatever may have been the thoughts of the other spectators in this respect, David regarded him as an audacious, and malicious fellow who knew absolutely nothing of the art of fresco!

"Mr. Toughler," resumed Mr. Smartman, quite affably, "Where were you at work on the tenth day of last September?"

"In Mrs. Goodly's house."

"Will you please state to the Court and jury, what you saw take place, in Mrs. Goodly's house, on the said day of last September, as well as you can recollect?"

"O' course, I will!" answered the witness. Then after swallowing as if to remove something from his throat, he rested his elbows on the arms of his chair, turned toward the expectant jurymen, chewed hard on his quid, several times, and then said:

"You see, the boss and Truart had been bad friends all along. There was bad blood between them, as I said before——"

"It is unnecessary to go into that again," interrupted the Judge, addressing Mr. Smartman—"Let the witness confine himself to what he, actually, saw take place!"

"Very well, your Honor," said the prosecutor—Then to the witness: "Go on and state just what you saw."

"All right then," with an injured air, "Well on the mornin' of the fight——" "assault" corrected Mr. Smartman, "the boss comes in," continued the witness, ignoring him, "and he says, 'where's Truart?' 'I don't know,' I says."

"In what part of the house were you at the time, Mr. Toughler?" asked the prosecutor suavely.

"In the reception room wheré we wuz at work, o' course!"

"Very well. Now proceed, if you please."

"Well the boss he was mad! Then he looks

up at the ceilin,' and he says: 'Get a pail of water, and wash away them soup greens, up there!'"

"Soup greens?" repeated the prosecutor, inquiringly. This gave rise to a subdued laughter among the spectators, which drew a reprimand from the Judge, and an apology from Mr. Smartman, declaring that no disrespect was intended to the Court.

"To what did your employer allude—what did he mean when he made use of those words?" asked the prosecutor, with affected seriousness.

"Oh, he meant the bunch of flowers, which Truart had painted on the ceilin'," returned the witness, grinning at the jurors.

"Well, go on, please."

"All right then, I says, and I went and got the water. When I got back in the hall, I met Truart coming in. 'What are you doin' with that water,' he says. 'I'm goin' to wash away your soup—your flowers, the boss told me to!' 'I'm boss here! and you go where you belong!' he says awful mad like." and the witness paused and chewed hard on his quid.

"Well, what then?" asked the prosecutor.

"What then?" repeated the witness, like a man who has lost the thread of his narrative, "Oh, I went o' course, as I didn't want no fight with him; see?"

"Well, go on, what happened then?"

"Well, just as I wuz goin' down the basement stairs, with the pail I heard loud talkin' in the reception room, and then a wrestlin' like!" here the witness chewed his quid hard, and quickly, for a second or two—"And then I rushes back

to the hall, and just as I gets to the door, I hears Truart say, 'I told you, that if you'd come up here, I'd smash your head off!' " Again the witness paused, and chewed his quid harder, and quicker than ever; while his eyes blinked with remarkable rapidity. Then I busted open the door and rushed in!"—he gesticulated as he spoke—"The boss was up on the ladder, with his head jest a few inches below the floorin' of it, and Truart was athumpin' him on his head and shoulders with the water pitcher!"

The feelings aroused by the witness in the jurymen, and the majority of the spectators, were plainly observable by the expression of horror, depicted on their faces, as well as by their angry glances bestowed on the accused; who seemed, however, unconscious of it all.

The witness again changed his quid from one side of his mouth to the other, seemed to swallow his saliva several times, and then went on: "All at onct, the boss came atumblin' down!—All broken up like!—I rushed up the ladder and kept Truart back! While Joe Bloonder looked after the boss—See?"

"What happened then?" asked the prosecutor, after having given the jury a look, which seemed to express—"have you ever heard of such an atrocity!"

"Well, me and Joe took the boss into the hall, and we almost run abunk Mrs. Goodly—and she said——"

"Never mind what the lady said, when you almost ran against her!" interrupted the prosecu-

tor,—“Just state what you did with your employer—your boss.”

“All right then. Well, we took him into his carriage, and when Limpy Horser driv’ away, we went back into the house and fixed things up like.”

“Who is Limpy Horser?” asked the prosecutor, biting his lips to keep a serious countenance in deference to His Honor.

“Oh, he’s the driver—the boss’s coachman.”

“Now, Mr. Toughler, tell me, was Mrs. Goodly very much frightened, when, as you said a moment ago you almost ran against her?”

“Frightened?” exclaimed the witness, “she was that scart, that she couldn’t speak! And so wuz the children! And, as for the help, it wuz all we could do to keep them from runnin’ into the avenue!” and he nodded his head up and down several times, as if to impress the jury with the truth of his assertions.

“Now, Mr. Toughler, a few more questions, and then I will be through with you,” said the prosecutor blandly.

“You kin ask as many as you like,” said the witness, swaying his shoulders, as if to express, “I don’t care!”

“Are you quite positive, that Monsieur Rochartau was not on the scaffold?”

“Sure, as I’m on this chair!”

“Did your employer say anything to you when you went to his rescue?”

“Oh, yes; he said”—here the witness paused once more to chew for a second on his quid—

"he said; your words has come true, John; Truart has nearly killed me!"

The remarkable sensation produced by the answer on the jurymen, and spectators, had hardly subsided, when Mr. Smartman asked the witness, in a slow impressive manner:

"What did Monsieur Rochartreau mean when he said to you—your words have come true John?"

"Why, I'd told Inkler, all along, that the young feller—Truart—had been asaying, that he'd get square with the boss, that he'd knock his head off some day! That's what he said, and that's what Inkler told him,—See?"

"Who is Inkler?"

"Oh, he's the boss's book-keeper."

"Did your employer say anything to Mrs. Goodly, when he saw her in the hall, when you were taking him to his carriage?" asked the prosecutor, after consulting his memorandum.

"Oh, yes; he told her he wuz sorry the fight—" "You mean assault!" again corrected Mr. Smartman—"That he wuz sorry for the assault," repeated the former, "took place in her house, and that it wasn't his fault! And she said——"

"Never mind what she said. What became of the prisoner—Truart?" asked the prosecutor, in the coldest manner that he had yet employed toward Mr. Toughler, and which led Mr. Leering to whisper to David, "when you see Smartman get cold with a witness it's a sure sign he's nearly through with him."

"When we took the boss out to his carriage, he wuz on the scaffold and when we came back he

was a-sassin' Mrs. Goodly, and when we wuz in the room, we heard him leave the house a-slammin' the door after him!"

Mr. Smartman's countenance suddenly became stern. He turned his eyes up to the ceiling for a moment as if in thought, then he turned smilingly to the jurors, and he addressed them in his most winning way:

"Have any of you gentlemen any question you would like to ask the witness?"

All the jurymen shook their heads negatively, excepting the foreman.

"Are you sure that Mr. Rochartreau did not raise his hand to strike his assailant?" he asked the witness, timidly.

"Why o' course!—Certainly. The boss, I tell you wuz on the ladder, with his head jest two or three inches below the planks! He had to hold on to the ladder with his hands! See?"

"You were not in the room, and therefore you do not know what may have happened, before the assault took place?" said the Judge to the witness.

"I wuzn't in the room then."

His Honor turned to the prosecutor:

"You may proceed, Mr. Smartman." he said.

"That is all, Mr. Toughler!" said the latter in a cold, harsh voice, and he sat down without even deigning to bestow a glance on the defendant's counsel.

"Good, that's first rate!" mumbled Mr. Leer-ing, unable, nevertheless, to hide his disapproval of the Judge's interference.

"The height of discourtesy," observed the journalist.

"You are right, Pener," declared the artist.

It was with very evident curiosity that all the people in the courtroom—excepting the Judge—awaited to see in what manner Sincere would proceed with the witness.

Mr. Toughler made it manifest, by his demeanor, that he was well aware of the unpleasantness of a cross-examination, and had prepared himself for it. He masticated his quid violently, and changed its place several times in as many seconds. A cunning, taunting, look came into his countenance, and his eyes blinked continuously.

Sincere arose to his feet, and after bowing to His Honor, he looked at the witness for a moment, then he said, in a very calm voice:

"That is all, Mr. Toughler!" and taking his seat, resumed his writing.

The silence of speechless surprise followed the young lawyer's laconic sentence; and it was only after the courtcrier had announced the usual recess, that remarks broke out in all parts of the room, in subdued tones, which became loud and unrestrained the moment the Judge took his departure.

CHAPTER XI.

"No cross-examination!" "All the testimony of the witness left unchallenged to work its dire effects on the minds of the jurymen against the defendant!" "Not the least attempt, even, to shake the man's varacity!" "It's nothing short, than a clear admission of guilt!" "Why on earth doesn't the Judge put an end to the farce!" Such, but not all, were the unrestrained remarks made by the disappointed, or disgusted spectators.

"But this is simply infamous! It is criminal! It is the height of perfidy!" exclaimed David, indignantly, "And does that rascally lawyer imagine that he is not going to be called to a strict account for his high handed baseness?—Does he imagine——"

"Bah! he imagines nothing!" interrupted Mr. Leering. "I told you before, didn't I?"—I told you how it was all going to go! Don't you see for yourself, that he don't dare to enter into any argument with Smartman, no matter how irrelevant, incompetent, or leading his questions may be? He acts the deaf-and-dumb act! He knows as well as I do, that your *thoughtless* boy will get at least ten years for his fun!—Why any lawyer with any sense will tell you that! And—" the speaker paused suddenly, and began to rub his knees, briskly with his hands—"Ouch! ouch!" he uttered, "My old rheumatic pains!"

The fact that Mr. Leering's remarks almost ex-

pressed David's own feelings on the subject, incensed him to such a degree, that he forgot, even, to extend to him a word of sympathy. He became nearly hysterical. He could hardly restrain himself from shouting his opinion of Sincere's perfidy, across the courtroom, at him, as he saw him taking his departure, followed by Paul, Mrs. Truart, and Miss Faithly. The thought of all the suffering that had been brought upon his friends, filled him with anger and resentment against all those who, in his agitated mind, he believed responsible for it! The sight of Mr. John Toughler passing through the doorway, a moment later, caused the artist to lose his self control.

"In that fellow!" he exclaimed, in a voice that indicated his feelings, and caused the journalist to stare at him, in surprise—"You can see a dispicable example of a new species of painter that has been creeping within the precincts of a noble art, and crowding out by degrees another species, educated and refined, and fitted by Nature for it! That individual is a good specimen of the outgrowth of a school of decorators, in which stencils, paste and paper, tin, putty, and confectioner's squirts play the most important part! A school whose professors, not being able to comprehend the meaning, the mission, of decorative art, sacrifice the soul-inspiring ideal on the golden, but fireless altar of cold, depressive, emotionless Fact! Professors, I say, who, unable to appreciate the difference between common, and good sense, seek for their purpose, in soulless marble, and false metals, what they fail to see

in beautiful flowers and twilight skies! Professors,——”

“There you go again!” broke in Mr. Leering,—still rubbing his knees—“There you——”

“Professors, I say,” went on the now thoroughly indignant and excited artist, giving no heed to the interruption, “who by deceiving, and robbing their patrons, teach their pupils how to deceive and rob! False teachers, who, in a word, unfitted by birth and education to understand—to recognize, the important eminence it ought to occupy in the pure minds of all patriotic men, women and children—abuse, degrade, and caricature Art to a degree in harmony with their own low level! And I place in the same sphere all those would-be art-writers, and lawyers, whose morbid selfishness make them strangers to that real sympathy for the unfortunate, which makes us more than beasts!”

David’s severe allusion to lawyers, seemed, for the moment, to rid Mr. Leering of his pains and hiccoughs too.

“Ah, humbug!” he retorted, as he eyed the panting artist with disdain, “You’ve done nothing since I’ve been acquainted with you, but din that kind of stuff in my ears, every time you got the chance! Why don’t you get out of that old rut! You nor anyone else can boost a trade up to the height of a fine art! You know that, as well as I do. Leave it where it is, and belongs, and talk horse sense!” The speaker, at this point, arose to his feet, but was obliged to hold well on the back of David’s chair to keep himself from going down again. His stooping position brought

his face so close to the artist's that the latter could not escape the whiskey odor of his breath.

"That kind of talk may sound all right in the studio, or in the novel, or on the stage, but among cool-headed business men it sounds like trash! You are, of course, an interested party—that's all right! You, like everybody else, are in your trade for all the money you can squeeze out of it! and if you can make it pay better by calling it an art, why that's all right too! We are all in for what we can make, and don't try to fool yourself about it! That man—" referring to Mr. Toughler—"is all right too! He's 'a diamond in the rough' as they say. And the fact that he is, where he is, don't speak very well for those he and his professors have forced out, does it? What sane business men and women, and lawyers look at and admire is the successful result of an undertaking! What difference does it make to me, or to you, or to anybody else, by whom or in what way that result is brought about! Now say! If that man's employer can make twice as much money out of him as he could make out of one of your long haired educated and refined art-missionaries, and yet produce the same results—please me for instance—what would I care about your ideals, and twilights, and patriotism, which is simply rot in the eyes of a matter of fact man!"

By this time David's face was red with shame and disgust, and the journalist placed a hand on his shoulder and drawing him away from the lawyer, whispered in his ear:

"Keep calm and pay no attention to his rant-

ing; that is the better way for getting rid of his company."

This action seemed to arouse Mr. Leering's rancor:

"There are some newspaper scribes, too, who, like some art-teachers, so called, labor under the insane delusion, that they were sent especially upon this earth all ready chuck full of education and refinement, to teach the people sent here long before them what they should do, or should not do, for their salvation! Now, as a matter of fact, these would-be regenerators of the human race are nothing more than mere puppets whose strings are in the very hands of the very heathen they pretend to teach, who, with their money, make them write or paint—that is, rehash, with pen or brush—just what they—the heathen—may desire at the time, for their immediate needs, or amusements!—And the others are mighty glad to get the money too!" As the lawyer concluded, he, abruptly, took his departure, supporting himself on the backs of the chairs, as he went along.

"I am simply disgusted with that man!" said David angrily, as the lawyer disappeared in the embrasure of the door, "I am going to cut his acquaintance! I met him last night, and I inferred from his talk that he was through with his drinking for a while, but he is worse today than he was yesterday! I gave him five dollars, and——"

"Hello there, Mr. Pener!"

David paused, and like his friend turned in the direction of the voice, and beheld a young,

vivacious acting, man coming towards the journalist, with his two hands extended to him.

"Why, John! how are you?" exclaimed Mr. Pener in glad surprise, and seizing the other's hands shook them warmly. Then he introduced his two friends, one to the other.

"Say, Mr. Pener, that was a great old broadside of Smartman's, wasn't it?"

"Something of that kind was expected."

"Yes?"

"Why, don't you know?"

"I have just returned from Europe, I may say, and this is my first day on duty!"

"Ho, ho! Then you were the writer of the letters entitled 'European Americans?'"

The young man's blush answered the question, and Mr. Pener seized his hand and shook it heartily.

"I congratulate you, John, they do you credit!" he said.

"I tell you," said the other earnestly, addressing his two hearers, "it is only when a newspaper man finds himself far away from his native land, that he can duly appreciate not only its real greatness, but how much he loves it! What I could not comprehend was why people born and bred in the United States could content themselves to live in foreign cities, and among people having no advantage, whatever, over our own, physically, and morally!—But you were going to explain—"

"It was simply this way: It was Smartman's intention to try his hand at 'rail-roading the young defendant in this trial, in the

quickest way possible. Well he had all but succeeded with his plans, when a cool-headed Judge, with more respect for the rights of persons, than for public clamor, prevented it! And several newspapers—especially Editman's—the same, it so happened, which frustrated his political aspersions, sided with His Honor, and there you are, John!"

"Ha, ha! that was fine!—But, say—is not the amount of bail excessive?"

"The Judge who was responsible for that is dead. Let him rest."

"There is one thing, I would like to see happen, very much," said the young man, gravely, "I should like to see Sincere extricate himself with honor, from his present position." The expression that came in Mr. Pener's face, indicated to the speaker that the subject was not a pleasant one just then.

"Well I must be going," he said with a friendly smile on his comely features, addressing the two companions, and he shook their hands.

"Will you be present at the Press club, tomorrow night?" Mr. Pener asked him.

"Yes, I hope so.—Goodbye, Mr. David—Goodbye, Mr. Pener!"

"Goodbye!" responded the other two, almost in one voice. The young reporter walked briskly away, towards the exit.

"There goes a man," said Mr. Pener, looking fondly after the retreating figure, "who will surely make his mark in the world of journalism at some not far distant day. He has all the make up for it. He is honest, fearless, and generous.

Never says too much or too little of men and things. Quick to acknowledge a fault, or an error, but slow to lose his temper. I have known him ever since he was a boy."

"I like him very much. I felt drawn towards him the first moment I saw him. Such a man is bound to succeed. But tell me, Peneer, what did you mean when you said to your friend that Smartman had tried his hand at 'rail-roading' the defendant?" said David.

"I will tell you," said the other without any hesitation. "It happens, sometimes, in a large city like ours, that, notwithstanding its superb police system, a number of crimes take place, one after the other in quick succession. The thoughtless portion of its population, almost always fickle and impulsive, sometimes unintentionally cruel, easily inflamed by newspapers which depend for their existence on sensationalism, forget or are not capable of understanding, under the circumstances, that the very fact that all of these crimes are discovered just as fast as they are committed, and their authors just as quickly placed behind prison bars, is the very best evidence of the alertness and unrelaxing endeavors of the authorities! It is for this reason that all our decent newspapers,—which though they differ in politics, are as a unit in preserving the good morality of our city—are deluged with letters protesting that too much politics and red tape are permitted to clog the wheels of Justice!

"It is for this same reason that some ministers, too, introduce the subject in their sermons, which,

naturally, becomes the topic of conversation among the great number of the more reserved citizens. It is for this reason, also, that out of town papers representing small cities, whose less favorable localities contain, maybe, more iniquity to the square foot than those of our metropolis contain to the square yard, are particularly loud in their virtuous denunciation of, what they are pleased to call, the modern 'Sodom, or Gomarrah!' In a word, a tremendous howl, first against the authorities, and then for vengeance against the wicked, goes up from the great majority of our fellow citizens, among which, it is not too much to say very few of them ever suffered through the negligence of the police! A howl, I repeat, re-echoed by State and country, and even by far distant Europe. Now, supposing that just at this moment, still another crime is committed, and its alleged perpetrator happens to fall into the hands of a District Attorney, let us say, who is not strong minded enough to resist this unreasonable clamor for a victim; or who may have, perhaps, good reasons of his own for desiring to stand well with the clamorers, and therefore determines to make a terrible example of the last offender, to satisfy them! What happens? Or, rather, what may be attempted in such a case, especially if there should be a Judge willing to sanction it? Why notwithstanding that the prisons may be full of accused persons all claiming to be innocent, and waiting for their trial, the last alleged criminal, who is very likely no worse than the others, and maybe not as bad, in the eyes of the law, instead

of being placed at the bottom of the calendar, is placed at the top! What may follow in such a case? The accused is poor and has no lawyer to defend him. The Court may appoint one for him. This lawyer may be a conscientious man, as many of them are, and, therefore, with the best of intentions for the accused; but a postponement to give him the proper time to prepare his case is denied him. A jury is quickly obtained. Jurymen are human, and are as susceptible to public manifestations as the general run of their fellow beings. They have heard and read about the clamor for an example to strike terror to evil doers! The District Attorney is himself present to show with his eloquence how much he has the people's welfare at heart! With a staff of Assistants, and deputies, and detectives at his command, he has prepared what appears to be a clear case against the accused! What show, I ask you, has the appointed lawyer under the circumstances? The Judge's charge is severe and calculated not to make the alleged crime of the accused less revolting than the prosecutor has painted it to the jury! In a word, the accused is tried, found guilty by the jury in a few minutes, and hurried off to prison, all on the same day! That is what I understand 'railroading' to signify!"

"But that is simply horrible!" exclaimed the artist, who had Truart in mind. "It is un-American, and, therefore, against all the dictates of Christianity! It seems to me that it should be all the other way. That the District Attorney, with the city's money at his command, and the

police machinery at his beck and call, should be the very one, with all this power, to put forth his best efforts in trying to discover if the accused person is really guilty before proceeding against him."

Mr. Pener smiled as he said to himself, "It is very evident that he is an artist, and reasons like one!"

"It seems to me," went on David, thinking that because his friend remained silent, he had made a good point, "that a District Attorney who may have doubts as to the guilt of an accused, and, instead of availing himself of the means at his command to verify them, uses them, on the contrary, to send the poor devil to prison in order to please the voters, is a scoundrel—a criminal deserving of the very worst punishment that the law can inflict upon him! A man with the knowledge of such a crime on his conscience must, in his own calm moments, suffer the torments of a lost soul!"

"Such a man, my dear friend," said Mr. Pener sadly, "would forget all about it in less than twenty-four hours!"

"Horrible! Horrible!" ejaculated the artist.

"But such a District Attorney would not be permitted to disgrace our criminal courts very long," said the journalist. "The powers of an irreproachable Bar and the influence of a highly reputable Press would soon cause him to be cast into oblivion, if not into a prison cell!"

"Thank Heaven for that!" said David.

"Amen!" concluded Mr. Pener, as they left the courtroom.

CHAPTER XII.

When Mr. Pener and David returned to the court they could secure adjoining seats only in the rear of the room.

"I am glad Mr. Leering is not with us," said David. "I had no idea he was so much addicted to liquor."

"I suspected he was a drinking man when you introduced him to me," said Mr. Pener.

"Ah, now I know the reason for your coldness towards him."

The journalist evaded the remark by saying—in a voice that had more of pity in it than censure—

"He is one of a great number of men, I strongly believe, who, when their craving for liquor—inherited or acquired—is aroused from some cause or other, cannot resist its demands. And who, when once they get started, if I may thus express it, will—without ever getting really drunk—keep it up for weeks and months at a time, or until the craving dies out of its own accord, or sickness or some other reason makes them stop."

"That reminds me," said David, "that I have met just such men among artists. And I have wondered how they could, nevertheless, create marvelous works of beauty—works demanding wonderful concentration of mind!"

"Ah, Dave, that is the mystery which I have never been able to solve to my satisfaction. I

have known several men of a high grade of intelligence who, in spite of that, behaved in just that way. One of these in particular was a fine mathematician—a civil engineer—who performed his most important work, exacting from the brain the clearest of thought, during his spells of drinking. He collapsed all at once, though, and became a physical and moral wreck! But they do not all go that way, Dave. I was intimately acquainted with a journalist—a clear, concise, logical writer—who kept up the habit, modestly, though, until he was well past eighty; and yet he wrote readable articles up to a week before his death! And——” Mr. Pener paused abruptly and smiled. This was so out of harmony with his last words that David stared at him in astonishment.

“Look over there, in the embrasure of the entrance!” said the journalist. The artist did as requested and beheld Mr. Leering, who was staring searchingly among the spectators.

“I do hope he does not succeed in seeing us,” said David, averting his eyes from him.

“He has discovered us and is coming towards us,” said Mr. Pener in the next moment. The lawyer soon reached the bench on which the two friends were seated.

“Hello there, Dave!” he said, with a grin on his red face. The artist bowed coldly to him.

“He has been drinking again,” he whispered to Mr. Pener.

“I expected nothing else,” rejoined the latter.

Mr. Leering stood for a moment, disappointed looking and irresolute, as he saw that there was

no room for him alongside of David. Then running his eyes along the adjacent benches and finally perceiving a small V-shaped space on the one immediately behind the artist, he quickly made his way to it and wedged himself into it, regardless of the discomfort of the persons on either side of him or of the grimaces which his obnoxious action brought on their faces.

"The whole business will be over by tomorrow evening, Dave," said the lawyer.

The artist drew away to avoid the fumes of tobacco and liquor that offended his senses. This pardonable act aroused Mr. Leering's resentment in a moment and he proceeded to give vent to it by expressing his opinion of "little tin lawyers," "thoughtless boys," "artists so called" and of "newspaper scribblers" in general, which neither the entrance of the Judge nor the ensuing preliminaries of the court had the power of checking. It was only when the crier at Mr. Smartman's request was heard calling loudly "Mr. Horser to the witness chair!" that Mr. Leering subsided into silence, much to the relief of all the spectators within the reach of his low mutterings.

A young man with nothing remarkable about him save his evident genuine nervousness soon took the stand. He was Monsieur Rochartreau's coachman.

He gave his testimony, after being sworn, in a manner which plainly indicated that he was convinced he was telling the truth. He testified, in substance, that he had taken his employer home on the day of the assault. That by the

time he had reached the "boss's house" he—the boss—was so weak that he had to be carried to his room and "put to bed." And that he—Horser—then went for the doctor, almost "a-killin' his hoss." He drew a picture in his own crude way of the scene at his employer's home when the "young one" and the "wife" first saw the "boss all broken up and bleedin'" that drew the tears to many eyes.

"Did Monsieur Rochartreau say anything to you, Mr. Horser?" finally asked Mr. Smartman.

"Yes, sir, he did," replied the witness sadly.

"What did he say?"

"He said, 'You see, Horser, what that young scoundrel done to me?'"

"When did Monsieur Rochartreau say that, Mr. Horser?"

"When I wuz a stickin' the blanket 'round his legs in the cab jist afore I get up on the box."

"Did he say anything else?"

"Yes sir; after we had him in bed afore I went for the doctor, he said, 'Horser, I'm afraid Truart has finished me!'"

"That is all, Mr. Horser!"

"That is all," said Sincere in a subdued voice after bowing to his Honor.

"Didn't I tell you!" mumbled Mr. Leering.

"Please call Mr. Inkler," said the prosecutor, and a few seconds later a rather tall, slim individual—the picture of shrewdness—Monsieur Rochartreau's confidential book-keeper—was sworn as the next witness.

His testimony, which he gave with preciseness and deliberation, told very strongly against the

accused, because it corroborated in no uncertain manner all the main points in the testimony of the preceding witness.

He said besides, in substance, that he had been sent for by Madame Rochartreau and that upon arriving at his employer's home, he had found him in bed, "looking more dead than alive," and Madame was walking up and down the room exclaiming hysterically, "Oh, my dear husband—he has all but murdered my poor husband in cold blood," and her little girl was crying at her father's bed-side "as if her heart would break!" The witness here wiped the tears from his eyes; an action which was performed by very many others in the court.

"Did Monsieur Rochartreau say anything to you?"

"No sir."

"Well, go on," said the prosecutor, who saw that the witness had something else to say——

"After I had been there, in the room, a few minutes, Monsieur Rochartreau attempted to speak to me, but was too weak to do so; and then the doctor arrived and ordered everybody out of the room."

Mr. Smartman paused for a moment to consult his memorandum lying on the table before him:

"Were you aware, Mr. Inkler," he resumed, "that the prisoner bore any ill feeling against Monsieur Rochartreau, previous to the assault?"

"Yes sir," said the witness decidedly.

"Please state what you know regarding that subject."

Mr. Inkler said, in what appeared to be

a straightforward manner, that one of their employees, John Toughler, by name, had informed him on several occasions during the past two years that Truart was a bad fellow to have around the jobs owing to his "hot temper." That he—Truart—had boasted time and again that he would do Monsieur Rochartreau bodily harm if he persisted in interfering with his work. And that on one occasion he—Toughler—had heard Truart declare that if he—Monsieur Rochartreau—ever attempted to get upon the scaffold, he—Truart—would throw him off! That he—Inkler—had spoken to Monsieur Rochartreau about it several times, and advised him to drop the young man from his employ, but without avail.

"Monsieur Rochartreau kept him right on simply out of good heart?" asked Mr. Smartman, deprecatingly.

"Yes sir, that is just about it," answered the witness in a like tone of voice.

"That is all, Mr. Inkler."

Sincere arose, again bowed to His Honor, and for the third time said, almost inaudibly, "That is all, Mr. Inkler."

"I told you, didn't I?" repeated Mr. Leering. Then he added, "Before he reaches the last of Smartman's witnesses, his voice will be gone entirely!" and he leaned back in his seat and chuckled.

At this stage of the proceedings the Judge, after giving a glance at the clock, asked the prosecutor how many more witnesses he proposed to examine that day—

"Only one more, if your Honor please," replied Mr. Smartman, somewhat facetiously.

Then turning to the courtcrier, said in a very cheerful manner:

"Please call Mr. Joseph Bloonder!"

A man, almost as broad as he was tall, enwrapped in a tightly buttoned mackintosh, of a light brown color, bald headed, with a red chubby face, his heavy mustache dark and drooping, soon made his appearance in a most unexpected manner.

He began by running against a tall slim individual seated at the end of one of the benches, almost sending him to the floor. Hardly had he mumbled out his excuses to him when he struck his toe against the thick edge of the rope matting stretched across the room, causing him, in another instant to shoot forward with great impetus against the prosecutor's table, which for a moment stopped his short but eventful career. Then he caused himself to get caught between the gate and its jamb in his nervous hurry to get to the witness stand on the other side of the railing. Then he attempted to take the Bible in his left hand, and finally after nearly causing the witness chair to topple over by sitting on one of its arms, he sat down, or rather fell into its seat with a thud.

The preponderance of the spectators who had begun by smiling broadly in amused surprise at his first mishap and had tittered at his subsequent one, now broke out in unrestrained mirth, in which, in a more moderate degree, the jury and even the prosecutor joined.

Mr. Bloonder seemed to be completely bewildered. He seemed, in fact, to be on the verge of collapse. It was only after His Honor's gavel had restored order and his severe rebuke had resounded through the courtroom that he became somewhat composed. Mr. Smartman now took the witness in hand in a reassuring manner. It was almost impossible for many of the spectators to restrain their laughter as the witness proceeded with his testimony. And not a few of them were obliged to hide their convulsed faces behind their handkerchiefs so irresistibly laughable seemed to them the manner in which the witness, in his evident anxiety to give utterance to what was on his mind all at one time, put his words together. The witness had not proceeded very far when His Honor showed his disapproval of it, by asking the prosecutor somewhat pointedly, if the man's testimony could not be dispensed with, without jeopardizing the prosecution's interests. Mr. Smartman declared that the testimony of the witness was indispensable, as he would prove later on, because it would not only, beyond any doubt, corroborate Mr. Toughler's version of the assault, but would also corroborate, he believed, what the victim of said assault would himself have to say about it.

The Judge permitted him to proceed.

Mr. Bloonder had so poor an idea of the meaning of the words he employed, that at times he got himself into such a web of confusion as to require all the perseverance and skillfulness of the prosecutor to set him again on the right road.

Notwithstanding this, however, the witness did all that was expected of him by the prosecutor.

"That is all, Mr. Bloonder."

Hardly had the prosecutor sat down when the witness actually sprang out of his chair!

"Hold on! hold on!" cried the clerk and crier simultaneously, while the latter put a restraining hand on the witness's shoulder. The latter dropped into his seat again and gazed distractedly around him.

Sincere arose as if to cross-examine him, but he simply bowed again to the Judge and delivered the same monotonous sentence—"That is all."

Mr. Bloonder stared first at the clerk, then at the crier, and understanding at last by their gestures and words that he was at liberty to go, he dashed from the witness stand down the steps and through the open gate clapping at the same time his broad rimmed hat on his perspiring head.

"Hey! take off your hat!" cried the court officer.

"Take your hat off!" shouted the clerk.

But the cries seemed only to give his short legs more speed and he dashed through the open door as if he imagined some terrible monster was at his heels!

His Honor might just as well have attempted to restrain a roll of thunder with his gavel as to restrain with it the spontaneous roar of laughter that followed Mr. Joseph Bloonder's exit, from the majority of the spectators! He nevertheless commented severely on the proceeding. He drew attention, in a calm respect-compelling manner to

the seriousness of the occasion. That it was a trial which might end in depriving a fellow being accused of a heinous crime of his freedom for many years!—"Didn't I tell you?" whispered Mr. Leering to David—That such an occasion was surely one demanding solemn meditation rather than shallow boisterousness. That he could not comprehend how the innocent confusion of a simple minded man arising from the strangeness of his surroundings, could make a Christian people forget the terrible position of the defendant and the feelings of his relatives and friends!—"Did you hear that?" whispered Mr. Leering—That nothing, in his opinion, was more liable to shake the faith of evil doers in human sympathy, nay, in the very teachings of Christianity, than such exhibitions! And that, finally, he trusted that he would not have further occasion to speak on this very lamentable subject!

At this moment a deputy from the District Attorney's office entered the courtroom with a letter for the Judge.

While His Honor was perusing it, Mr. Smartman arose, and looking in the direction of the court entrance, made an almost imperceptible sign with his head to a thick set individual standing in the doorway, in an attitude of expectation. The man walked slowly up to the prosecutor, and as if in answer to the latter's question, drew a pair of handcuffs partly from his overcoat pocket, and smiled grimly.

"Hello!" whispered Mr. Pender to David in surprise, "what in thunder does that mean?"

"What? What is it?" inquired the latter anxiously.

"You'll find out in a few minutes—" put in Mr. Leering, somewhat exultingly. "That man who has just seated himself beside Smartman is a deputy sheriff!——"

"Sheriff! sheriff!" repeated David, alarmed, "What is he here for?"

"Well, I'll tell you why he is here! Your thoughtless boy is as good as convicted, and Smartman is going to take no chances about him putting in an appearance at the proper time to take his medicine, see?"—David bowed his head—he did not know what to say. "Well," went on the lawyer, "he is going to put him safely where he belongs. Smartman swore he'd put him behind prison bars before the trial was ended—And, you can gamble, he'll keep his word!"

"Oh, no, no! I hope not," said David in consternation. His poor mother—and poor Miss Faithly! Oh! if his bondsman were only here! Can nothing be done, Pender?" he asked the latter, trembling with excitement.

"Calm yourself, my dear fellow—" answered the journalist.

"Not all the mothers or brides or bondsmen in the Union could do him any good now!" put in Mr. Leering, spitefully. Then he added, in a heartless manner, "What difference will it make anyhow, whether he goes to jail today or tomorrow?"

"But the trial will not be ended tomorrow!" murmured David.

"No? Well that shows what you know about

it!" said Mr. Leering, who, aware that the spectators within range of his thick whisperings were now his attentive listeners, felt that he must, in justice to himself, let them see that he did know what he was speaking about!

"Listen!" he said, as loud as he dared; "Sincere will not cross-examine any of the last three witnesses that go on the stand in the morning; namely—The doctor, the plaintiff, and Mrs. Goodly. By recess their testimony will be all in. Sincere will not say one word, he knows why. He will put his man on the stand. I'll give him an hour to recite all the stuff and go through all the stage effects he has been taught! Say, it will take Smartman just about fifteen minutes to make your 'thoughtless boy' wish he had never been born! There'll be no summing up, either! Just mark my words! Before three o'clock the Judge will place your *boy's* fate in the hands of the jurymen and they will give their verdict without leaving their seats! But listen now; Smartman is going to say something that will surprise you!"

"If your Honor please," began the prosecutor, in a confident manner—"in view of the position in which the prisoner has very naturally placed himself, and in view of the fact that information has reached me that there is a probable rumor afloat, that the prisoner is to be spirited away at the last moment by those who have boasted that he should never be placed behind prison bars—I ask your Honor, purely from precautionary motives, to have him committed to the Tombs!" Hardly had the last words left Mr. Smartman's

lips when a man of fine physique, with a pleasing open countenance, and eyes beaming with intelligent determination, arose to his full height from a seat near Mrs. Truart, and, regardless of the consequences which might ensue from his action, or Sincere's evident look of remonstrance against it, declared in a calm, yet resounding voice, that the prosecutor's insinuations were preposterous and offensive in the highest degree! and that humbly asking His Honor's pardon, he stood ready if the Court had any reason however slight, for giving such a base unwarranted rumor any importance, to double, nay furnish any amount of bail then and there!

"Mr. Editman, you will please sit down!" said His Honor. "Your remarks are entirely out of place!" The bondsman sat down—Mr. Smartman smiled sardonically—"Good, good!" said Mr. Leering.

"The amount of bail," said the Judge after a short pause, "is quite sufficient." Then turning to the prosecutor—"I shall, however, hold Mr. Sincere responsible for his client's appearance in court tomorrow morning."

"Well, if that isn't knuckling down to newspaper influence, I'll be blowed!" said Mr. Leering spitefully. "Gentlemen," he said, addressing the spectators who had heard his remark and bent their heads towards him—"that's the rankest piece of business I ever saw in all my professional career! That's reform with a vengeance!" David was completely astounded. He could not utter a word. An expression of satisfaction came into Mr. Pener's face. Mr. Smartman remained

silent for a moment. The Judge's words seemed to irritate him. Then he declared, with all the irony at his command, that while he would say unhesitatingly that he knew absolutely nothing of a nature derogatory to Mr. Sincere's private character, he felt bound to say just as unhesitatingly that he knew not enough of his *learned* opponent, professionally, socially or financially, to make him feel assured that he—Mr. Sincere—would be able to produce the defendant in Court at the proper time! A defendant who must feel convinced, as all his relations and friends must feel convinced, on the face of the situation, that his only chance of escaping what was unavoidably in store for him, was in remaining at a safe distance from it! True there was, as he well knew, the defendant's bail, which, under ordinary circumstances, he would readily admit, would be a good enough safe guard! But the circumstances surrounding this case were of a most extraordinary nature! Extraordinary from the most remarkable fact, among others, that the man liable for the forfeiture of said bail, had not only sought in every conceivable way to impede the progress of the District Attorney's office to bring swift and well deserved punishment to the defendant, but had declared repeatedly that the accused should never sleep behind prison bars! What then, under these circumstances, would the forfeiture of ten thousand or even ten times ten thousand dollars be to such a man—the possessor of millions—bent on gratifying his morbid ends!

Then Mr. Smartman, feeling perhaps, that he had succeeded in shaking His Honor's decision,

contended in a bolder strain, after assuring the Court that "he meant no disrespect to it" that it might be said, quite naturally, by disinterested people that any one accused of a crime, fortunate enough to have a millionaire friend, even though as in this case he stood practically proven guilty of it, might still sniff the pure air of freedom with impunity on the beautiful thoroughfares of our metropolis—nay, it being left to his very option to remain or to put himself well beyond the jurisdiction of the Court! while the poor friendless wretch no more guilty—no more deserving of condign punishment than the one now on trial would be compelled to sniff the putrid air generally found in prison cells!"

"Good! good for Smartman! He is all right!" ejaculated Mr. Leering enthusiastically.

"Why! the man must have lost his reason to permit his rancor to make him speak in such a manner! He will be lucky if he does not receive a rebuke!" said Mr. Pener to David, who was completely unnerved with contending emotions.

His Honor, however, calmly, though pointedly, said, in substance, that while he did not believe that Mr. Smartman had intended any disrespect to the Court, he felt bound to say that he deeply regretted he should have deemed it proper to make remarks of a nature which in the Court's opinion were highly inconsistent with the present state of affairs. That even if such a high handed crime as an attempt to "spirit away" the accused were in contemplation—which he did not for a moment believe—he had too much confidence in the honesty and ability in the staff

of the District Attorney's office to give him the least apprehension as to its success. Then His Honor added, in a voice and manner that convinced the prosecutor that no further argument on the subject would be entertained: "We will leave things just as they are, Mr. Smartman, for the present," and as the latter, evidently crest-fallen, gathered up his papers, the Judge turned to the jurymen. He admonished them regarding their bounden duties, and then requested the crier to announce that—"This court stands adjourned until half past ten o'clock tomorrow morning!"

"Good! thank heavens!" exclaimed David, so overcome that he could not restrain his tears. He looked around for Mr. Leering, but he had already departed.

"Let us wait Pener, if you don't mind, until the crowd gets out—You know the reason."

"Certainly, my dear fellow," said the other, remaining seated. "Did I not tell you that your friend was fortunate in having such a Judge to preside over his trial?"

"Yes, you did indeed. And oh, Pener! I am so glad for the two women! I shudder to think what their suffering would have been to see their loved one handcuffed and taken from them—dragged away to prison! But did you see how indifferent—how sluggish—that Sincere acted? If Mr. Editman had not been present by chance, poor Truart would have been compelled to sleep in a cell tonight!"

"I do not agree with you in that, Dave. All the millionaires together could not influence that Judge—nor any of our Judges in fact—for or

against a prisoner! He had good reasons for his action!"

"I believe it, Pener. I spoke thoughtlessly."

"But," added the other, "I would not be surprised to learn that the letter brought him by the deputy had something to do with it."

"Heaven grant that it was favorable to my friend!"

"Did you notice how sadly Mr. Smartman contradicted, a few moments ago, some of the main allegations of his opening address? No? Well, he did, Dave. And I am not surprised. It is something that invariably happens to speakers in general, whose objective point is self! I dare say you have observed the same thing in artists?" said Mr. Pener, as he arose and slowly walked towards the exit.

"Yes, I have," said David, following him. "The most successful artist—as an artist—is the one who, while performing his work, forgets not only his own interests, but his very existence!"

CHAPTER XIII.

"I have never before in all my long experience seen such a glorious profusion of beautiful women in any court at one time!" declared the gallant grey haired clerk to the matter-of-fact crier, who had been commenting, in any but a poetical strain, on the "Bigness of the crowd!" For, notwithstanding that it was only about ten o'clock, all the seating capacity usually allotted to spectators, as well as the large number of extra chairs which had been brought into the courtroom—through the influence of someone not generally known—and arranged two rows deep along the side walls, were, with a few exceptions, already occupied.

"Well, curiosity and fine weather will work wonders with the female sex!" dryly concluded the court crier.

But the latter was very far from correct in this instance so far as regarded that portion of the "crowd" which had had the power of drawing forth the clerk's sincere admiration.

It was neither curiosity nor the exhilarating weather which had suddenly come with its clear blue sky and mild western breezes to enliven and cheer the metropolis, that had induced so many of the refined and elegant women of Murray Hill to grace a criminal court with their presence.

They had been informed, on the very best of authority, that Mrs. Goodly was to be the first witness to go on the stand that morning for the

prosecution and they had assembled there by previous arrangement—unknown to her—with no other motive in view than such as is inspired by sincere esteem and love for a dear friend.

Mr. Pener and David, as on the previous days, sat together. They had secured chairs against the wall, on the side of the room, opposite the entrance to it.

They had come early for the purpose of escaping if possible, Mr. Leering's company, trusting that the seats in their vicinity would be all occupied before his arrival. But they had not been there two or three minutes, when, much to their annoyance, the lawyer made his appearance. He discovered them at once and a few seconds later took possession of the empty chair at David's side.

"Hello, Dave," he said, ignoring the journalist, "fine morning, isn't it?"

"Yes, it is so," returned the artist coldly.

Hardly had the latter spoken when his annoyance and the cause of it, were forgotten, for he beheld Mrs. Truart and Miss Faithly, followed closely by Mr. Editman, enter the courtroom.

They proceeded in a line that would soon bring them almost face to face with David. The latter grew at once confused, and wished to hide his presence in some way from Paul's mother, but he was not even able to avert his eyes from her. A few steps more, and she recognized him, in spite of her veil, and bowed in a friendly manner.

In an instant, before she had time to turn

away, David, whose face had flushed to crimson, returned her bow and gave her a look so evidently full of pure warm sympathy that it must have made its influence felt in her very heart.

This incident, the duration of seconds, which caused Mr. Pener to squeeze his friend's arm encouragingly, and Mr. Leering to smile knowingly, aroused in the artist all that was good and noble in his impulsive nature.

He would, at that moment, have willingly sacrificed all he possessed, his very life, in fact, if he could by so doing, have made it possible to cause Mrs. Truart to awake as from sleep and find that all her trouble had been but the terrible vision of a dream!

He followed Mrs. Truart with his eyes until she was seated between Miss Faithly and Mr. Editman, not far from the reporters' table.

"But where is Paul? Where is Sincere?" he said to himself, "can it be possible, after all, that Mr. Smartman's rumor was correct?—No, no, it is too preposterous, even, to entertain a thought of such a thing!"

Never was a mother, and a promised bride, in a more trying, heartrending position than that in which Mrs. Truart and Miss Faithly found themselves, at this moment. Ever since the first day, when Paul placed himself implicitly in Sincere's hands, his lips had been sealed to them, regarding everything directly, and indirectly, connected with his case. Sincere, whom they had only had the opportunity of seeing several times, had proved utterly uncom-

municative on that subject. And as for Mr. Editman, though he had, with great delicacy,—on Mrs. Truart's insistence—brought about the sale of several valuable pictures left her by her husband, thus placing her beyond want for some time to come, he had evaded everything touching in any way on the probable outcome of the trial.

The only information, therefore, of which they were in possession, was that Paul was accused of a crime of which he declared he was entirely innocent, and that all the testimony of the preceding day clearly pointed to the contrary.

"My son must have been out of his mind when he committed the assault, and therefore he has no knowledge of it!" said Mrs. Truart to herself.

"If Paul did give his employer a beating he must have been driven insane first and that accounts for his mind being a blank regarding it!" thought Miss Faithly. But they had not communicated these similar conjectures to one another.

Neither of them, however, gave any indication, this morning, by their outward appearances, what their conjectures had subjected them to; but had their veils been lifted from their faces any sympathizing observer would have been deeply pained at what a night made sleepless by anxiety, torture and grief, had worked on their features!

And notwithstanding this, they had insisted on coming to court, in spite of the combined

remonstrances of Sincere and Paul, that they might hear from Mrs. Goodly's own lips her version of the assault; for by a strange coincidence, they both had a faint hope, they knew not why, that she was going in some way to help Paul's case!

They little realized, those two suffering women, what the prosecutor's friends *knew*, and a few others in the courtroom correctly surmised—that Mr. Smartman relied more on Mrs. Goodly's testimony for sealing the fate of the accused than on that of all of his other witnesses put together!

Sincere and Paul now entered the courtroom, much to the relief of many, and to the regret of few. They bowed respectfully to Mr. Editman and his two companions as they passed by them. Not a word was spoken by any of them.

"Those two fellows are pretty well matched!" remarked Mr. Leering with a sneer, as the defendant and his lawyer seated themselves.

Just then the foreman of the jury appeared in the doorway, and a few seconds later he proceeded towards the jurybox, followed by the other eleven jurors all in a line, walking with slow, grave step, and after taking their respective places, they sat there stern and silent.

"Heavens!" exclaimed one reporter to another, "those men make my blood creep in my veins. They make me feel that they have already made up their minds that the young fellow is guilty and are only waiting for the moment to arrive to give the verdict," and he looked regretfully at the defence.

The effect produced on David, by the ominous aspect of the jury was very disheartening. He became speechless, and his face lost all its glow. Mr. Pener's countenance grew serious and pensive. But Mr. Leering smiled with malicious satisfaction as he muttered:

"If those jurymen were poled *now*—guilty would be the quick result!—And that's what it will be before they go home to-night, all right!"

"Say Maree, do you know this—Roc—Roc—what the dickens is his name?" asked Maudie, a sallow cheeked female who was one of a group of flashily dressed young women occupying chairs almost in front of David and his friend, and whose general behavior evinced that they did not associate with Mrs. Goodly's friends.

"Monsieur Rocharteau, you mean!" answered Maree—a young woman who, in spite of the well blended bloom of youth on her cheeks, and her endeavors to dress and act girlish, could not hide the fact that she had somewhat passed that innocent age. As she spoke, she generously passed around a good size bon-bon box, from which her friends helped themselves without hesitation.

"I knew it was Rock something or other!" said Maudie, as she selected two of the largest candies and put one of them in her mouth. Then she giggled, in which the majority of her companions joined immoderately, causing Mr. Leering, who had become very much interested in the group, to smile broadly. Maree, who, because her companions were there as her invited guests, considered herself an authority on the premises, showed plainly her disapproval of

their behavior, by the resentment that shone in her dark, expressive eyes.

"Say Maree, what is the matter all about, anyhow?" inquired another of the young women, who seemed inclined to desire to appear more sedate than her companions, by whom she was called "Louie."

"Oh," answered Maree. "It would take too long to tell you!" Then she added, with an air of consequence: "Mr. Smartman *himself* told me all about it—But it's a secret, you know!"

"Who's Smartman, anyway?" asked Maudie, speaking with difficulty because she tried to crunch the candy between her molars at the same time.

"Why, you little simpleton!" exclaimed Maree, glad, evidently of the opportunity to "get square" with her. "You—a New York girl, and don't know who Mr. Smartman is!"

"Well I don't! And what's more I don't care! So there now!" ejaculated Maudie pettishly. And then she added, with apparent sincerity, "I'm awfully sorry I came to this old place anyhow! I might have gone to the matinee today, if I hadn't!"

"Didn't you see girls," asked Maree, pleased with the effect her words had on Maudie, "how the policeman let us all in ahead of the crowd after he had read the paper I gave him? Well, that was a pass from the District Attorney! That's who Mr. Smartman is! Why, he could send all of us girls to prison in a jiffy if he wanted to!"

"He is *not* District Attorney!" said Maudie, spitefully.

"He is so! I guess I know!" declared Maree angrily.

"He is not," persisted Maudie. "I guess my popper knows! He is only an Assistant! And anyhow, my popper told me last night when I told him of your pass, that it was against the law to give passes. That the courts belong to the public, and that a whole regiment of soldiers couldn't keep him out, pass or no pass!" and as she concluded, she put the other of Maree's bonbons in her mouth.

"Oh, Maudie, do keep quiet!" said Louie. "We did not come here to wrangle. Your father couldn't do any more than any other man!"

Maudie's light blue eyes contracted, and her face became sallower with anger as she looked at the last speaker, apparently bent on giving her "a piece of her mind," for her interference.

"He couldn't, hey?" she began. But just then the main door was thrown wide open, and Mr. Smartman, with a gratified smile on his face, entered the courtroom with a very stylishly gowned woman leaning familiarly on his arm.

"That's Madame Rochartreau!" whispered Maree to her companions, who were now silently staring at the newcomers with curiosity.

Maree bent her head well forward, evidently to attract the attention of Madame Rochartreau, who had paused in the centre of the room with her escort, and was nodding pleasantly to the different friends as she recognized them among the spectators. Finally her eyes met Maree's,

and the recognition was simultaneous. But though the latter's was warm, eager, and calculated to draw attention, the former's was cold, distant, almost imperceptible.

Maree's face turned pale with mortification, but not so much from the slight she had received, as from the fear that her companions had perceived it and would twit her with it later on. In the next instant, however, she received a remarkable friendly bow from the smiling prosecutor that sent the blood rushing to her cheeks and caused her eyes to dazzle with exaltation. "That's Mr. Smartman!" she said in a voice that trembled with agitation, as he proceeded towards the front of the courtroom.

Mr. Smartman having arrived within a few feet of his destination, very gallantly made sure that his fair companion was comfortably seated. Then he drew near to the jurymen and said "Good morning, gentlemen," in response to their remarks of welcome. He inclined his head stiffly to the friendly nods of the clerk and court-crier, as he placed his hat and documents on the table, and turning his back abruptly to Sincere, who had arisen to his feet and bowed to him, he seated himself on a chair close to Madame Rochartreau and gave her all his attention.

"Good!" muttered Mr. Leering, as he saw Sincere's face grow red from the affront—"I am glad that Smartman treats that little shrimp as he deserves. It does me good to see these little tin lawyers who are a disgrace to the profession, taken down a peg once in a while!"

"I think the prosecutor's action was simply

shocking!" whispered David to Mr. Pener, notwithstanding his still growing antipathy for Sincere.

"Entirely inexcusable—the action of a cad," exclaimed the journalist.

"Oh, my!" said Louie, whose large dark eyes had followed Mr. Smartman's every movement—"Isn't he completely gone on her!" Then she added archly, "Her husband had better look out!"

Maree winced slightly, and said quickly:

"Oh that is his way, you know; he and Rocharteau are old friends; club members, and all that sort of thing, you know!"

"Well—I—don't—know" drawled out Louie dubiously.

"Oh, but I do!" declared Maree, a little pettishly at having her word doubted.

"Say Louie!" asked Maudie, whose teeth were still working with her candy, "What do *you* think of Madame Roc—Roc—er—*toe*—what the dickens is her name?" Here the girls, excepting Maree, giggled again; this time so loudly that it caused some of Mrs. Goodly's friends to bestow on them reproving glances. An elderly lady, indeed, sitting behind them, felt indignant enough at their behavior to say to her companion:

"Those young women ought to be informed that this is not the place for such frivolousness."

Notwithstanding that this remark was uttered in an undertone, it was heard distinctly, not only by those for whom it was intended, but by those, also, who were seated around them. It accorded

completely with the feelings of both David and his friend, who would have shown their approbation of it if their sense of propriety had permitted it.

"Some people," retorted Maudie, in a louder key, after a pause—without turning her head—"are too officious for the good of their health," as my popper says." Her friends tittered in approval. Then she said, "I do wish I'd stayed home and gone to the matinee."

The elderly lady frowned, and shook her head deprecatingly.

Mr. Pener and David exchanged looks which plainly indicated their disgust, arising from the young woman's exhibition of sauciness.

Mr. Leering, however, who had become so interested in Maree and her friends, as to forget for the time both Sincere and the defendant, smiled broadly at Maudie in approbation, as he caught her eye.

"I'll tell you, Louie, what *I* think of Madame Rockertoe," declared Maudie, in still louder tones, "She is a perfectly lovely woman!" Then she added, in an undertone, as from under her long light drooping eye-lashes there shot a glance at Maree, as provoking as was the stress in her voice—"She has her man under her thumb, all right." Maree had listened with affected indifference, but now her eyes sparkled with resentment.

"Do you know what, Maree!" exclaimed Lizette, another of the group, who, up to this moment had kept her own counsel, and who considered herself, judging from her deportment, a

person of much worldly experience. Her companions looked at her inquiringly. "Your Madame seems to be '*a woman with a history*' as the saying is."

"You could indeed call her the heroine of a real romance and all that sort of thing, if you knew the facts like I do," said Maree, in a somewhat mysterious manner which had the influence of arousing her companion's curiosity. "Have another candy," she said, as she gave her bonbon box to her nearest friend for another distribution.

"I thought I could not be mistaken!" said Lizette, consequentially, and then relapsed into silence. "Oh, do tell us all about it!" exclaimed Louie.

"Yes! yes! *do!*" chimed in the majority of the girls, including Maudie.

"Well, I really don't know as I ought to tell you," said Maree, in a well pretended reluctant manner, which, however, did not entirely disguise her real feeling—that is—her desire to tell all she knew about the woman.

"I think you're real mean if you don't," declared Maudie. "You know I missed the matinee all on your account!"

Marie remained silent for a few seconds, seeming to enjoy her companions' curiosity, and then after a little more coaxing, she said:

"Well, I will tell you, providing—" her face became serious—"that you will promise me faithfully to let the story go no further!" and as she spoke she placed the bonbon box, which had just been returned to her, upon her lap.

Her friends assured her, in a chorus, with all kinds of promises, that her confidences would be sacredly kept.

"Because you know," explained Maree, "they are particular friends of mine, and I wouldn't for the world, that they found it out!"

The girls drew as close as they could to their companion and bent their heads towards her in listening attitudes.

Maree had the reputation among her friends of being a very rapid speaker, and she was not going to lower it in their estimation on this occasion.

"Madame Rochartreau" she began in a low voice which, however, grew louder, unintentionally as she proceeded in her narrative—"was a Brownell before she married the Marquis——" "Marquis? Marquis? Marquis? exclaimed the young women almost in one voice, surprised far beyond their expectations. "Why yes," declared Maree, proudly. "A regular Marquis. A French Marquis; with plenty of money, *too!*"

"Oh my goodness! Did you ever!" ejaculated Maudie, staring at her companions, who were uttering all kinds of interjections in harmony with their emotions. Then she turned her head towards Madame and bent well forward in order to get another good look at her.

"Oh dear me, girls," said Maree, well pleased with the effect of her words, "if you are going to interrupt me like that I shall never be able to tell one half of it—" Her listeners promised faithfully to keep their peace.

"Matilda was the only daughter of old John

Putnam Brownell. He was a crank on all things American, you know, and all that sort of thing. The Brownells were very wealthy in their time. Matilda had lots and lots of admirers, you know. And you know among them was a proud young man—a journalist—with plenty of talent, and a brilliant future, and all that sort of thing, you know; but with no money——”

“And money is what talks! So my popper says,” put in Maudie.

“Well, he fell head over heels in love with her,” went on Maree, “and she thought she was in love with him; completely gone on him you know——”

“The silly thing!” interjected Maudie.

“Matilda, so the story goes, encouraged him on, until he felt he had a right to ask her parents for her hand——”

“And her popper kicked him out!” said Maudie, in a matter-of-course way.

“Oh, no, *Miss Smarty!*” said Maree, with a vindictive chuckle, “nothing of the kind! Her parents were proud to have him for a son-in-law——.”

“What!” exclaimed Maudie, apparently shocked at the mere idea of such a thing. “Consented to give their only daughter to ‘a penny-a-liner’ so popper calls them. Well *I* don’t think much of the Brownells. That’s all *I* know!”

“Well to cut the story short,” resumed Maree, with no intention of doing what her words implied, “the young man was accepted by Matilda’s parents, as their prospective son-in-law, with open arms. And the announcement of their

daughter's engagement brought them any amount of congratulations from relatives and friends——"

"Why, you'd think *he* was the only young man in the whole town and that she was a cripple or something!" declared Maudie, who could not understand how any parents could have esteem for any person who did not possess plenty of money!

"Well, he was in their eyes an exceptionally good match for any good woman. He was a good, healthy, upright young fellow," said Maree, a little out of patience, like the majority of her listeners, at the frequency of Maudie's interruptions—"He was an orphan, you know, whose parents had lost their life and fortune during the war; and could trace his people back, with pride, to the first settlers of 'the South'!"

"Ah, that's all folderol! It's money makes the mare go! So popper says!" declared Maudie.

"Oh, bother you and your popper-r-r!" exclaimed Maree, quite out of patience now. "I declare, girls, I will not tell you another word, if I'm going to be forever interrupted in this way. So there now!" An almost unanimous rebuke administered to Maudie by her companions, silenced her for the time, though her eyes blinked with resentment against Maree.

"Well,—" resumed the latter once more, at the warm solicitation of her impatient hearers, after casting a sly provoking glance at Maudie. "the two lovers became so spoony after a while that they became the talk of all the town! Talk about your doxies and your pigies, and all that

sort of thing you know! Oh, my!" Here the speaker's voice and face became serious, which caused the listeners to become very attentive.

"Well girls," went on Maree, in a somewhat stagey manner, "on an evil day, a dark haired young artist, rich and accomplished, appeared upon the scene! A man with highly polished manners. A perfect lady's man, you know. One of those rare good fellows, you know, who never lets a chance slip by to please a woman!—" Deep drawn sighs and interjections expressive of heartfelt admiration for Maree's hero, escaped from the different young women.

"A perfect cavalier!" exclaimed Louie with soulful eyes.

"Well, girls, *to cut the story short*,—as I said before—" once more resumed Maree, "It was love at first sight, and all that sort of thing, you know. Matilda, however, in order to keep her parents quiet, who entirely opposed their daughter having anything to do with the artist and all that sort of thing, you know, kept up her wooing with the young journalist, who spent every cent he could scrape together upon her. You know he now worshipped the very ground she walked on! But you know, girls, this state of affairs could not last forever. After a while, when his love-blindness began to leave him and he began to feel the real thing, he became aware that the artist's attentions for his lady-love were growing entirely too pronounced, and, also, that she did not show any displeasure towards them. His eyes now opened, his quick southern temper was at once aroused. The first thing he did was to

give the artist to understand, in so many words, that his officious attentions to Matilda must stop at once and for good!"

"The jealous thing! Did you ever?" said Maudie. "Do keep quiet!" said Louie, quite agitated.

"Go on! go on! Go on Maree!" urged on the others.

"Well, girls," proceeded the latter, "*to cut the story short*—a terrible quarrel took place between the two lovers, during which such words were used by the artist that the enraged journalist declared that nothing but *blood* could make him forget! A duel and all that sort of thing, you know, was quickly arranged. The young journalist and his friends were promptly on the chosen ground. But hardly had they arrived there when a couple of big constables appeared and arrested the whole party!"

"What a shame! For those old policemen to come and spoil it all! They always come when they're not wanted, as popper says!" declared Maudie.

"Now what do you think happened?" asked Maree quite dramatically.

"What What?" asked the almost breathless listeners in a chorus.

"Why, while the young journalist and his friends were being taken to jail, Matilda and the artist ran away and got married!"

"I'll tell you one thing," exclaimed Lizette, "your *friend* Matilda is, in my opinion, a horrid old thing and——"

"She is not my *friend*, she is only an acquaintance," quickly put in Maree.

"Well, in either case she don't amount to much in my eyes, and her husband, what ever he is now, proved himself a mean, contemptible fellow!"

"I don't agree with *you*!" exclaimed Maree, flaring up, "and what's more, you don't know what you are talking about!"

"*Don't* I though!"

"No, you don't; and I won't stand by and hear you or anybody else say anything against him!"

"Oh! ho! and why not?"

"Because he is a dear friend of mine, that's why!"

"*Your* dear friend! and he a married man!" exclaimed Lizzette contemptuously. Maree's eyes flashed with resentment.

"But what did the Brownells do?" asked Louie with the intention of putting an end to the dispute, as well as to satisfy her curiosity.

"Oh, I don't care what they did!" answered Maree petulantly.

"Oh, go on!—Go on, Maree," urged her companions, coaxingly.

"Well," said Maree, after a few moments, her voice yet harsh with resentment—"they took it all to heart. They were old fashioned Americans, you know, and had queer notions, and all that sort of thing, you know. So they went back on the girl and never saw her from the day she left their roof to go and marry the artist!"

"The idea!" exclaimed Maudie, greatly astonished, "to treat their only daughter in such an outrageous way for such a little thing as that!"

"I do not know what became of the Brownells," added Maree, now in a molified temper.

"And what about the poor young journalist?" asked Louie with somewhat tender feeling.

"Oh, he took to drink and went to the dogs! and all——"

At this point a man, who, like the rest of the spectators within the range of Maree's voice, had sat a silent, though restless listener to her narrative, turned suddenly in his chair so as to face the young woman:

"You are entirely wrong there!" he exclaimed, "the young man did nothing of the kind! He went South, where he was adopted by an uncle—himself a journalist—and devoted his life to his profession. He persevered and prospered and he is to-day the proprietor and editor of one of the cleanest, fairest, outspoken and most influential journals of the world!"

Before the startled Maree and her companions could get over their surprise at the unceremonious interruption, the rapping of the courtcrier, announcing the coming of His Honor, rang out clear and strong.

"The inter-meddling old crank!" said Mr. Leering, gazing with contempt at the man in whom he recognized, at once, the 'journalist of the old school'—"He is a regular nuisance!" His remarks, which had been uttered, purposely, loud enough to reach Maree's ear, caused her to turn towards the lawyer. She attempted to assume a stern, rebuking demeanor towards him as she observed the very would-be familiar expression on his face, but she seemed unable to maintain it,

for her features relaxed into friendly smiles, and she turned away her head coquettishly. Her companions, from whom nothing of this nature seemed to escape, bent towards her with curious interrogations.

Maree whispered something which caused them to cast sly and not unfriendly glances at Mr. Leering. The latter sat back in his chair with a self-satisfied smile on his face, looking very much like a vain man, who feels he has succeeded in securing a desired object.

"Say, Pener," whispered David softly to his friend, "wouldn't it be wonderful, if the then poor young journalist lover of Miss Brownell turned out to be the now wealthy Mr. Editman!"

Mr. Pener did not reply with words, but the expression that came into his countenance clearly indicated that he did not consider such a thing improbable.

CHAPTER XIV.

A few moments later the Judge entered the court. His thoughtful face had a faint smile upon it, and as he walked calmly to his seat, he was welcomed with evidences of profound respect on every side, which he acknowledged with a dignified inclination of the head.

A letter from the District Attorney's office was on his desk. He immediately opened it and drew out its contents. His eyes contracted with seriousness as he perused the communication; then he replaced it in its envelope and remained for several minutes in an attitude of meditation.

Mr. Smartman left Madame Rochartreau's side and with the Judge's permission, thus addressed him, in his most persuasive manner:

"If your Honor please: I had intended to place Monsieur Rochartreau—my most important witness—on the stand immediately after recess to-day. But he has informed me—to my satisfaction—that an unexpected matter of very great business importance, urgently demands his presence elsewhere at the time. He asks, therefore, to be permitted to go on the stand at once to give his direct testimony; but to have his cross-examination, with your Honor's permission, deferred until after the other two witnesses have testified, thus giving him the opportunity of transacting said business?"

The Judge did not answer at once. He seemed to be weighing the matter in his mind.

"I feel confident, your Honor, that the proposed arrangement will expedite matters rather than retard them," added Mr. Smartman.

"Where is your witness?" asked the Judge, after another moment.

"He is at present just outside the court room, awaiting your Honor's pleasure," answered the prosecutor amiably.

"I do not see any reason why the request of the witness should not be granted," said the Judge, "unless," he added, turning to the defence, "Mr. Sincere has any objections to offer against such an arrangement."

The latter had arisen slowly to his feet. All eyes were at once centered on him. Mr. Smartman smiled derisively.

Was the defendant's lawyer going to do something at last? thought many of the spectators. But Mr. Sincere made his usual bow and said timidly:

"I have no objections to offer, your Honor," and he resumed his seat. The effect his demeanor produced on many of the spectators was anything but favorable to him.

"Of course not; anything goes with him!" said Mr. Leering, with deep contempt.

"He is simply disgusting! He seems, really, to be frightened out of his wits," whispered David to his friend.

"Patience," said the latter.

"Please call Monsieur Rochartreau!" said Mr. Smartman, addressing the courtcrier. In another moment the former, dressed in the height of fashion, entered the courtroom. He walked in

a very self-possessed, leisurely manner, towards the witness stand, his face smiling broadly as he nodded his head to such of his friends and acquaintances he happened to recognize among the spectators. When he reached the side of Madame Rochartreau, he bent fondly over her, and as he playfully dropped his hat and papers in her lap, he said something to her which caused her to smile lovingly at him.

"I can plainly see one thing," said Lizette to Maree, "your Madame is an accomplished coquette!"

"She knows how to manage her hubby all right," commented Maudie, as she observed the bewitching smile Madame Rochartreau gave her husband as he left her to shake hands with Mr. Smartman, who had advanced a few steps to meet him.

"Your request is granted," said the prosecutor, with a meaning smile.

"Thanks to you," rejoined Monsieur Rochartreau. And he immediately ascended the witness stand, and bowing very low to the Judge, stood ready to be sworn.

"Oh! do look at him girls! Isn't he just too handsome for anything?" exclaimed Maree rapturously, as the witness, with his head drawn back, took the Bible from the clerk's hand. The quick, ardent concurring remarks of the majority of her companions caused her to pass her box of bonbons once more on its rounds.

Monsieur Rochartreau kept his eyes directed on the Bible as the required oath was put him by the clerk, and when the latter had concluded, he

pressed the Book to his lips and then sat down.

"Jaques Rochartreau, Marquis de Pont Pierre," loudly repeated the courtcrier, slowly and distinctly, after the witness, for the benefit of the official stenographer.

The witness seemed to fully enjoy the evident surprise that his noble title occasioned to the spectators, strangers and acquaintances alike, for he had imparted the information of his noble descent to very few persons, and those few were only his very intimate friends, and his most esteemed patrons.

"Just to think of it! a real Marquis!"

"Do you know I always felt, as if by intuition, don't you know, that there was something very uncommon about him!"

"I knew it—I knew it!—I always said that he was quite above his occupation!"

"And I never dreamed of such a thing. He a nobleman and never bragged about it! Always so modest!"

"Ah, my dear that's a sure sign of true nobility—true nobility!"

"No wonder his prices are high!"

"Oh, but it's money well spent to have a nobleman fix up your rooms, don't you know?"

Such were a few of the many remarks that were given utterance to by men as well as women (not among Mrs. Goodly's friends), as the object of them sat back in his chair very much at his ease awaiting the pleasure of his friend, Mr. Smartman, who was arranging his papers.

"Do you wonder *now* girls," asked Maree of

her companions, in a trembling whisper, "that Matilda ran away with him!"

"Oh, my!" said Maudie, with beaming eyes, *I would go to the end of the world with a man like him!* I'd leave popper and mommer and every body to become the wife of such a man!"

"Oh, Maudie, aren't you awful to talk like that," said Louie, whose cheeks were all aglow. Liz-zette contracted her eyelids as she looked intently at the witness. It was her way of judging human beings:

"I don't like him," she said after a few seconds. Her companions giggled as loud as they dared, hiding their derisive looking faces behind their tiny handkerchiefs.

At this point as Madame Rochartreau changed her position in her chair, her eyes chanced to fall on the defendant. A look of intense hatred flashed in them which, in the next moment, changed into one of deep, bitter scorn, as they rested on Mrs. Truart and her companion. In another instant her haughty glance was caught by Mr. Editman's calm and piercing one. Her face flushed and paled and then she tured away her head abruptly and indignantly.

Monsieur Rochartreau, who had watched his wife's every movement gave Mr. Editman a resentful look which was met by a smile of indifference.

These quickly occurring incidents did not escape the observing eyes of the two friends.

"It seems very evident to me," said David in the softest voice, "that the witness does not recognize in Mr. Editman his one-time rival!"

"We ought to bear in mind," rejoined Mr. Pener, "that they have not met, very probably, since they were young lovers, perhaps with beardless faces——"

"Of course! How stupid in me! Yet their names are so uncommon, especially that of my friend's accuser," said David.

"Very true, but your friend's bondsman might have assumed his uncle's name——"

"Why of course, Pener!"

"In which case Mr. Editman would have all the advantage on his side!" said Mr. Pener. "But just look, Dave," added the latter, "how pale Mr. Editman's face has grown!"

"Now for something snappy and racy," said Mr. Leering, as he saw Mr. Smartman take up a slip of paper, and partly seating himself on the side of the table, look pleasantly at his smiling witness.

"But do you think, Pener, that Mr. Smartman's attitude shows proper respect for the Judge?" asked David.

"Stuff and nonsense!" put in Mr. Leering, "it shows that the examination is going to be a lengthy one, that is all!"

"Marquis," began the prosecutor, "where were you born?"

"I was born, sir, in the finest city in the world!" the witness answered proudly. Then he added, "Paree!" Giving the *a*, a short sound as a in at; the *r* a pronounced rolling one, and the *e* short, which some people think is the true indication of Parisian birth.

"Marquis, what is your present occupation?" was the next question.

"Artist in fresco."

"Where did you learn your trade?"

"I learned my *art*, if you please, in Europe." The Prosecutor's face flushed slightly at the correction, while the witness smiled maliciously and winked at his wife.

"In order to save time," said the examiner, good naturedly, "you may, if you will, with His Honor's permission, proceed with what you have to state to Court and jury, in your own way."

The witness, who seemed only too anxious to tell what was on his mind, thanked Mr. Smartman with a bow and then went right on, giving some of the words at times a pronunciation that had a decided French ring to it.

"My good father's dearest wish was that I should study law. But during my last years in college, I took a strong liking for drawing and painting. This liking grew so strong that when I graduated I made up my mind to follow the fortunes of an artist. My ambition at the time was to excel in *genre* painting, in which I was very successful. But after a few years of the study of the old masters, there arose within me a strong desire to become a fresco artist—a painter of rooms—and in spite of the entreaties of my relations and artist friends, I gave up everything, I may say, to devote myself to the art." Here the witness paused for a few seconds and gave Mr. Smartman a look which might have been taken to mean "am I going right?" The latter smiled approvingly.

"After spending a few years in Paree finishing my art studies, during which my father died, I went on a protracted tour through France, Italy, and England! During which I frescoed rooms in some of the grandest palaces of those countries, besides executing a great number of artistic works on canvas ordered by very distinguished people. After that"—here the witness' face became serious and his voice sad—"I came to New York." He bent towards the prosecutor, and went on in a confidential way—"My eldest brother had died a year before and the estates, which had dwindled to almost nothing, and the title came to me." He paused for a moment, and then continued in a more cheerful way. "You know I was sent for—I think I was in Rome at the time—by one of your wealthiest citizens, whose acquaintance I had made in Paree, about two years previous. This all happened about fifteen years ago—and here I am!" and as he paused he looked fondly at his wife, as if to say, "It is all your fault!"

"The gentleman who sent for you must have had great faith in you as a man and as an artist to go to the great expense of bringing you to this country!" suggested Mr. Smartman, as he slowly sorted the papers he had just taken from the table.

"Why yes—certainly—of course." answered the witness with an air of importance.

"It seems to me," said David disagreeably surprised, "that this examination is very much like one of those interviews that appear in certain newspapers and magazines—signed with the

three little stars—prearranged and paid for in advance! I am astonished the Judge permits it!"

"I am of the opinion," rejoined Mr. Pener, "that His Honor has good reasons for it." Mr. Leering contented himself with grinning.

Mr. Smartman was now ready to resume his questioning, but before he could utter a word the witness proceeded of his own accord.

"The gentleman in question was one of those broad-minded, sagacious Americans who saw and felt that his countrymen were not fitted by nature to excel in decorative art. In fact, in any art, in the best sense! He was convinced as were some of the best art critics of his time that American surroundings, and matter-of-fact characteristics, to say nothing of atmospheric conditions, were such as to inspire anything but a true love of art in the hearts of American painters! Being a genuine lover of his country he desired, as he confided to me, to make this sad fact—this unfortunate wanting of artistic understanding, manifest in no uncertain manner to his many friends, by securing the services of a real artist—brought up in a studio I may say—a painter with a European education—a lover of art for art's sake—to fresco the rooms of his new magnificent mansion. What my success had been," the witness went on in a now modest manner—"in showing Americans how to fresco a room is not for me to say, but I do know for certain, and do not regret it, that I have always worked hard and conscientiously without regard to money interests to teach them the real beauties of curve and color harmony!" Here the witness paused

and asked for a drink of water, which was given him by the crier.

"Now there is a man!" declared Mr. Leering, loud enough for those around him to hear distinctly—"who is not afraid to tell us Americans the truth right to our faces, and I for one admire him for it! Bah! it makes me sick to hear people who ought to be handing pies and lemonade over the counter, or hoeing potatoes on their father's farm, setting themselves up for artists. American artists! Who are they? What are their names? Painters? Yes. But artists, real artists, stuff and nonsense!"

The majority of the lawyer's hearers seemed rather amused at his remarks. But David was too overcome by his injured feelings to give utterance to the resentful thoughts that filled his mind.

"That man!" said Mr. Pener, indignantly, is a most egregious ass, or worse!"

David could not understand if his friend's words referred to the witness or to the lawyer! and at that moment he was quite indifferent about it.

"Have you frescoed many mansions in the United States?" resumed the prosecutor.

"Oh my, yes. I may say I frescoed the rooms of many of the handsomest in the country."

"Marquis, you employ many men, do you not?"

"Ah, now we are coming to it," said Mr. Leering.

"Oh my, yes—of all professions and trades!" replied the witness.

"Did you ever have any trouble with any of

your men—not including your assailant—prior to the day of the assault?”

“Well, no; that is, nothing worth speaking of. I have, of course, found fault sometimes with men who did not please me or my customers, and sometimes I have discharged such men, when they did not mend their ways. But not violently!”—smiling—“I simply dropped them easy—”

“Now, Marquis, had you ever had any quarrel with your assailant before the one that occurred on the day of his assault on you?” asked the prosecutor, smiling also.

“Yes, sir, quite a number of them.”

“Please state to the Court and jury how said quarrels came about.”

“Well, you see”—turning to the jury—“I would find fault with him on account of his lack of attention to his work—and his lack of respect towards me. However, I always ended the matter by forgiving him. You see, I had formed quite an attachment for him, and then, you know, he had a way of ingratiating himself in the good favor of my customers, that they always interceded for him.”

“That’s just like him!” said Maree, with much feeling.

“Did you ever threaten him with bodily harm in anyway during said quarrels?” asked Mr. Smartman.

“Oh, no! replied the witness, as if he was shocked at the mere idea of such a thing. “I never did; except to discharge him—”

"But you never put even that threat into execution?"

"No, to my misfortune," resumed the witness, in a tone of voice that aroused a feeling of pity for him in many of the spectators.

"Poor fellow, he would not hurt a fly," said Maree.

"Did your assailant ever make any threats against you?"

"Not to me personally. That is, except on the day of the assault!"

"Do you know, or have you been informed, that your assailant had made threats against you?"

"Yes, I was so informed by several of my men."

"What was the nature of those threats?"

"Well, that he would get square with me. That he would kill me like a dog. That he would throw me from the scaffold if I ever dared go upon it; and many other things, all of which I regarded as the mere fumings of a hot-tempered youth."

"That's a settler all right for your thoughtless young boy!" said Mr. Leering.

"Marquis," continued Mr. Smartman, who, regarding the defendant's counsel as a nonentity, did not take the trouble to frame his questions so as to obviate any objections which he knew any lawyer worthy of the name might have interposed, "did you ever observe anything in your assailant's manner which gave you any reason to suspect he might be subject to fits of insanity—emotional insanity?"

"Oh my; no, sir!" answered the witness, laughing; "I never dreamed of such a thing!"

"You found him rational at all times?" asked the prosecutor, grinningly.

"Oh, yes. Well, excepting on one point—"

"And that point?"

"Well"—very sarcastically—"when he would insist on running my business to suit himself." This answer brought a broad smile on the face of the witness' wife, and caused a slight titter among the nearby spectators.

"And on such occasions," asked the prosecutor, with a chuckle, opening his eyes wide, "you called him down?"

"Oh my, yes! You see, I was forced to do so, in order to save my reputation both as a business man and as an artist. You know he would insist on attempting, on his own responsibility, to paint subjects far beyond his reach, without as much as even giving me a hint of it. This, you see, I could not tolerate as an artist, devoted as I am to the progress of high art in its best sense. Then would come the quarrels, and then my threats to discharge him. Then he would go to my customers, and they would come to me, and then it ended in my keeping him on. But this state of affairs," went on the witness, in a much injured tone of voice, "could not go on much longer, because it was simply worrying me to death! Then, to add to my annoyance, I discovered that one of my most highly-prized designs, made by me while in Paree for the Countess de B——e, was stolen from my studio, and I traced it to him. And——"

"Stop, sir!" commanded the Judge, interrupting the witness.

"Not a word!" whispered Sincere, placing his hand across the defendant's lips, thus checking his angry exclamation. "No, no; not that! not that!" gasped Mrs. Truart. "Never! Never!" exclaimed Miss Faithly.

"Calm yourselves, ladies; you only make it harder for the boy!" said Mr. Editman.

"You will please strike out every word relating to the design, Mr. Stenographer!" ordered the Judge at the same moment.

"Oh, heavens!" said David to himself, "to think that I must sit here and listen to such a vile calumny—see those poor women crushed by it, and can do nothing. Oh! that I was for a moment in the place of that scoundrel Sincere, that I might cram that lie down the witness' throat!"

"Mr. Smartman," said the Judge, as soon as the slight commotion produced by the incident had subsided into silence—his voice, though calm, had a very significant sound—"there is nothing in the indictment found against the defendant charging him with that theft!"

"I assure you, your Honor, there was no intention——"

"Please do not interrupt me, Mr. Smartman——"

"I beg your Honor's pardon," put in the prosecutor.

"I will not tolerate anything of the kind in this court," declared the Judge.

"I assure you, your Honor, that it was only a

slip on the part of the witness, who is a stranger to courts, and——”

“I will regard it as such, in this instance, Mr. Smartman. Your witness owes the defendant an apology.”

“Good; very good!” said Mr. Pener.

“This is fine,” said David. Mr. Leering looked on smirkingly.

“The idea of such a thing!” said Maree, scornfully. “Apologize to that fellow!”

The Marquis shifted uneasily in his chair. He seemed to hesitate; to be on the point of carrying out the Court’s suggestion, when his eyes met those of his wife, which were full of contempt and disapproval; then he became calm, and smiled at her reassuringly.

Mr. Smartman, in the meanwhile, looked over his papers on the table. Selecting one of them finally, he turned once more to the witness as if nothing had happened to interrupt the examination.

“Now, Marquis, what occurred next?”

“Well, I made up my mind after—after that—that the very next time he gave me any cause for annoyance I would discharge him then and there, no matter what the consequence might prove!” said the witness with determination.

“And that time came?”

“On the tenth day of last September.”

“Very well. Now, Marquis, please state to the Court and jury what happened to you on that day.”

The face of the witness paled very perceptibly, as if the mere mention of that eventful day

brought back vividly to his mind the terrible experience it was alleged he had passed through.

Turning partly to the jury, he then went on, in the perfect stillness that prevailed.

"I went that day to the home of Mrs. Goodly—who is a very amiable lady and one of my wealthiest customers—to see if everything had been carried out according to the instructions I had left several days before, when important business had taken me out of the city. Instead of finding the work completed and the scaffolding removed, as I had a right to expect, I found everything in confusion. This vexed me greatly; and when I inquired for Truart, I was informed by one of my men that he had not been on the work during the last two days. Then I grew angry, because Mrs. Goodly was anxious to have all the workmen out of the house by the first of September, and Truart knew it. Besides, I had promised Mr. Goodly on the day of his departure for Europe, where he now is, that I would have his work completed by the latter part of August, of which Truart was fully aware. In fact, it was on that very promise that Mrs. Goodly consented to have the work done. As I entered the reception room I looked up at the ceiling and saw, to my great astonishment, that certain unfinished work which I had ordered Truart to change had not even been touched. This made me furious, and calling one of my men—John Toughler—I ordered him to get water and sponge and wash that work away. Just as my man was about to carry out my orders, Truart entered. His face was pale with anger, and, to my great surprise

and mortification, he ignored me entirely and ascended to the scaffold!" The witness paused, as if to calm his rising indignation, which his features expressed.

"What happened then?" asked the prosecutor.

The eyes of the witness sparkled as he resumed in an agitated voice:

"Truart took off his coat and hat, threw them down on the scaffold, and then proceeded to refreshen the colors on the palette. His vile rudeness to me was very gauling, but still I kept my temper. I upbraided him, however, for treating me in such a way. I asked him if that was the way to repay me for all I had done for him? But as I was speaking, he had taken up his brushes and, turning his back to me, proceeded with the finishing of the work I had ordered washed away! This audacious affrontery exasperated me. I commanded him to stop at once! Then I discharged him! Ordered him to pack up his things and get out at once! As I said these things to him I had ascended two or three steps of the ladder. In this position I reminded him of all I had done for him—how I had actually kept him and his family from starving! As I said this my head was just a few inches below the flooring of the scaffold. Before I had the time to descend he was upon me like a wild beast. He struck me with what I know not. He kept on striking me until I lost my hold on the ladder and fell, dazed and bleeding, to the floor."

This part of the testimony, which the witness gave somewhat dramatically, produced a very marked sensation on the spectators, and the

expression that came in the faces of the jurymen boded no good for the young defendant.

"Now, Marquis," again resumed Mr. Smartman, "you are positively sure you were not on the scaffold, and that——"

"No, no! I was not!" broke in the witness.

"Hold on now! Wait!" said the prosecutor, smiling. "You are positively sure you were not on the scaffold, and that you did not raise your hands in any way which could have given your assailant any reason to suppose he stood in danger of receiving bodily harm from you?"

"Oh, no; positively not! Why, I was clinging with both hands to the sides of the ladder until his blows caused me to fall to the floor, torn and bleeding. Quick! quick!" suddenly cried the witness in alarm at this point, as he chanced to look at his wife. The prosecutor instantly turned completely around, and seeing at a glance that Madame Rochartreau, who had been moved to tears by her husband's recital of his cruel experience, seemed on the verge of collapse, quickly obtained a glass of water and held it to her lips.

Her indisposition, however, was only momentary. She soon regained her composure and smiled her thanks to the gallant prosecutor, and pressed the hand of her husband, who had hurried to her aid, reassuringly.

"Marquis," continued Mr. Smartman, as soon as order was again restored, "I have only a few more questions to ask you and then you may go." The witness gave a long drawn sigh of relief and

looked at his now smiling wife with a mocking expression of resignation.

"Marquis, were you ever approached by any person or persons in behalf of your assailant during the past five months?" asked the prosecutor, reading from other memorandum.

"Oh my, yes! By his mother and a young woman whom he was to marry, and a friend of his who called himself some kind of an artist or other, and by Mrs. Goodly and several of her charming friends." Mr. Leering grinned as he saw David's face grow red with anger.

"And you refused, as a good citizen, to interfere with the law in the matter, regardless of your interests?" asked Mr. Smartman.

"Well, I will tell you frankly, that some of the esteemed people who came to see me, through misplaced sympathy, were of such high social standing and capable of exerting so great an influence on my business interests, that I was more than inclined to accede to their requests. So to that end I wrote to my assailant a letter in good faith, informing him that if he would write me a letter in return, asking my forgiveness, and write one also to Mrs. Goodly, apologizing to her for what he had done in her house, and promise me to leave the city for a reasonable length of time, I would do all in my power to have the matter go no further!" The voice of the witness seemed so full of genuine forbearance that it produced a very favorable impression on the greater part of his hearers.

"Well, what followed?" asked the prosecutor.

"Well, as I explained to Mrs. Goodly, in par-

ticular," said the witness, deprecatingly, "the young fellow did not even answer my letter, but he went around among my customers libelling me in a most shameful manner, to the extent of inducing some of them to take away their highly prized patronage from me!" (Here the witness' eyes gleamed with anger.) "This was more than I could stand! So I told Mrs. Goodly and her friends—who agreed with me—that under the circumstances there was nothing to be done, but to let the law take its course and mete out to him the punishment he so richly deserves!" As the witness concluded he scowled at the defendant. Mr. Smartman took up another memorandum, perused it hurriedly, looked up at the ceiling for a few seconds as if in thought; then, smiling good naturedly, he said: "That is all, Marquis; you may go."

The witness, like a man who is glad of having completed a very disagreeable task and is anxious to take his departure, descended quickly from the witness stand, looking neither at the Judge nor jury.

"Is it necessary that I come back at all?" he asked Mr. Smartman, as he shook hands warmly with him.

"Oh, yes. But you will not be delayed more than a few moments," answered the latter, confidently.

In another moment the Marquis reached the side of his charming looking wife, who stood proudly waiting for him, her face radiant with smiles. Accepting from her, with modest courtesy, his hat and papers, which she held out to

him, he seized the upper part of her arm affectionately with his disengaged hand and escorted her slowly from the court room, the recipient of marks of admiration from many of the spectators.

"He shows no regard for propriety," thought David.

"Say girls," said Maudie, insinuatingly, and with what seemed a little touch of envy in her voice, "did you see the glances and bow that the Marquis gave Maree as he passed by?"

"Yes, and I saw, too, the look his wife gave her!" said Lizette, disapprovingly. Maree simply pouted.

"But did you see how Maree looked at him?" asked Maudie, teasingly.

"Indeed I did," said Louie, "and I —"

"Oh, ain't you awful!" said Maree, blushing deeply.

"I tell you what," said Louie, sarcastically, "those girls who are always giving good motherly advice, and who are ever trying to be so sedate and prim, are just the very ones who like to go on the quiet and have their nice little time!"

"Oh, do be still, and don't be so silly!" said Maree, who took the remark entirely for herself, though it had been intended for Lizette as well.

Maree affected to be very angry, but she felt, in reality, extremely pleased, because she had the vain desire to be regarded by her friends as a gay girl.

"Those young women are all right," said Mr. Leering to himself, as he gazed admiringly at each of them in turn for perhaps the twentieth time during the past hour.

"Hello! there is a messenger," said Mr. Pener, drawing David's attention to a youth with a red ribbon around his cap, who had just made his appearance in the doorway. He proceeded directly to Mr. Smartman, who had been speaking to the Judge during the last few moments, and had just resumed his place at his table. "If your Honor please," said the prosecutor, after having read the message brought to him, "My next witness, Mrs. Goodly, who had intended to be here in court at half-past ten o'clock, informs me that owing to an injury to her carriage, in which she was being conveyed here, she will not be able to reach here before eleven!" The expression of deep concern and alarm which the first part of the message had brought to the faces of Mrs. Goodly's friends gave way at once to smiles of gladness as its conclusion was reached. His Honor looked at the clock; it showed that it was already less than five minutes to the hour.

"We shall wait for your witness, Mr. Smartman," he said.

"Oh, dear me!" said Maudie, yawningly. "I do wish I had gone to the matinee."

"Oh, do keep quiet about your old matinee," said Maree. "I dare say you were going on a complimentary ticket anyway!"

"Don't pay any attention to her!" said Louie to Maree, referring to Maudie, who made a spiteful grimace at the former.

CHAPTER XV.

"Well, what do you think of your thoughtless boy now?" asked Mr. Leering, addressing David like a man who wishes to force a conversation. The latter did not reply at once; he acted as if he was going to ignore the lawyer's question, but he turned and said, indignantly:

"All the cowardly tricks resorted to by your friend Smartman and his witness to destroy the boy's reputation in the eyes of the jurymen have not changed my good opinion of Paul one iota!"

"That shows how completely prejudice has made you both blind and deaf to logical facts!" said the lawyer, with spite.

"I am neither blind nor deaf, however, to the fact that there is very much more animosity and cruelty displayed by the prosecutor in his tactics than honesty of purpose!" retorted David, notwithstanding Mr. Pener's attempt to restrain him.

"Humbug!" said the lawyer, evidently at a loss for anything else to say in support of his position. David ignored the rude remark and went right on:

"Is not my friend, without witnesses, and the overwhelming testimony against him, already convicted in the eyes of Judge and jury, as you seem to believe?"

"Certainly; yes! That's a dead question! You can gamble on that!" ejaculated Mr. Leering in reply.

"Then why attempt to fasten a crime on him about which nothing whatever was mentioned until just now?"

"Oh, say, didn't the Judge order it struck out? What do you want?" was the lawyer's evasive answer, which only added to David's irritation.

"But what vindication is that for a young man in the minds of all those who have heard the accusation, or who will read of it in the papers?" he said, staring at the other.

"Oh, that's all right!" said Mr. Leering, turning away his head with the evident intention of dropping the subject.

"But it is not all right!" went on David; "for what is to hinder any disreputable lawyer, and especially a rascally prosecutor who may have a grudge against the accused to satisfy, or who may have still more infamous motives, from attempting to blast his character, though he be, as in this case, an honest man?"

"Oh, you don't know what you are talking about!" declared Mr. Leering.

"I know this much: that if any lawyer tried any such rascally trick on me, I would horsewhip him until he could not stand on his feet!" exclaimed David, losing his temper.

"And land in jail, like your thoughtless boy!" said the former, chuckling.

"Jail or no jail, I would do it, if only to bring the heinousness of the practice before the public!"

"Say, you ought to study law! You'd make a fine old lawyer, you would!"

"I would, at least, try with all my heart to

make an honest one, you may rest assured!" retorted David.

"Do calm yourself," said Mr. Pener to the latter.

"But, Pener, such a practice is simply horrible. It is a blot on civilization! Such a monstrous wrong ought not to be tolerated by a Christian people! Just imagine such a despicable thing attempted on a respectable woman!"

"And such things do happen," said Mr. Pener, regretfully. "Women, good respectable women, have been subjected to just such experiences at the hands of lawyers; beings, only human in shape, having no regard for honor and innocence in their morbid desire to win a case! Men and women have sat in court and have heard such rascals assail the reputations of their dearest of kin—honest, God-fearing witnesses—with the most devilish of insidious questions, having no foundation in fact, but capable of arousing in the minds of strangers the vilest of suggestions and calculated simply to destroy the veracity of those witnesses in the eyes of a jury!"

"Oh, heavens!" exclaimed David, "were I blessed with having a living mother or a sister and either became the innocent victim of such diabolical cruelty, I think I would go mad!"

Tap! tap! tap! came from the Judge's gavel, silencing at once the subdued buzz of human voices. His Honor had just been informed that the expected witness had arrived and was awaiting his pleasure. It was just eleven o'clock.

Mr. Smartman arose to his feet with alacrity,

his face smiling with satisfaction, and requested the crier to call Mrs. Goodly.

The name aroused Paul's mother and Miss Faithly from the dazed, benumbed state into which Monsieur Rochartreau's testimony had thrown them, and they watched for the appearance of the witness with renewed anxiety.

Mrs. Goodly entered the court room. She was unaccompanied. Her dress, like that of her many friends present, fitted her elegant form faultlessly. It was simple, quiet in color, but rich in tone, and put together with that remarkable good taste which distinctly characterizes the well-bred American women the world over.

She nodded and smiled pleasantly at the persons on either side of her as she made her way towards the witness stand. She thanked Mr. Smartman, who courteously held the gate open for her. Then, after paying her respects to the Judge, who accepted them with due appreciation, she stood calm and erect, ready to take the formal oath.

The majority of the spectators were deeply moved as they beheld the witness, upon whose face Virtue had very plainly marked her unmistakable lines, take in her hand the Bible, and seal with a pure kiss her promise "To tell the truth and nothing but the truth!"

Mrs. Truart's heart almost ceased to beat as she beheld the witness, for, though she was well aware of her benevolence, she felt at this moment that her testimony would make the evidence of her son's guilt complete! She bowed her head low and, clasping her hands tightly on her lap

to allay the trembling of her body, awaited for the blow to fall!

Miss Faithly measured Mrs. Truart's anguish by her own, and her heart ached for her. She did not trust herself to offer any condoling words—she was afraid she might break down and thus add to the mother's misery!

"The very worst that may happen," she thought, "is that they find Paul guilty! and if they do, and they take him away from us for a while, I will resign myself to it! I will be a daughter to his mother—I will help her to bear the burden! And when Paul is given back to us I will become his wife—if he will have me!"

"Isn't she too sweet for anything! Oh, I think she's a real lady! My, what a difference between her and Madame Rocharteau!" said Louie, with admiration.

"The Goodly's," said Lizette, knowingly, "stand at the head of the upper ten. They are very rich people, too—millionaires!"

"I never would dream she was a rich woman," said Maudie, looking sharply at the witness as she spoke. "She is dressed very plain and has no jewelry on her! I guess she don't go around much." Then she added, as Mrs. Goodly gracefully seated herself, "I never saw her name in the papers!"

"People like her very seldom get their name into the papers; and there are many just like her in New York, Maudie," put in Lizette.

"There!" said Mr. Pender to David, as he looked admiringly at Mrs. Goodly, "is your true type of the American women!"

"Any man not guilty of a crime might well pray for such a witness," said David in a choaking voice.

"That woman," murmured Mr. Leering, "will settle the thoughtless boy's hash!"

"Did you see Mrs. Goodly bow to Sincere just now?" asked Mr. Pener, addressing his friend.

"Yes," replied the latter; "and I saw the sickly smile that came in his face."

"It is the first that I have observed on his features during the trial," said Mr. Pener in a somewhat sympathetic voice.

"Mrs. Goodly," began Mr. Smartman, in a very engaging manner, "you are the occupant and owner of the mansion situated on the southwest corner of—and—Avenue?"

"Yes, sir," the witness answered, softly.

"I must beg of you, madam," said the prosecutor, "to speak a little louder so that the end juryman may hear your answers distinctly," and the speaker stepped back until he was on a line with the latter. "Now, Mrs. Goodly, if you please. Do you remember what occurred in your house on the tenth day of last September?" The face of the witness flushed slightly, and there was something about its expression as well as in the tone of her voice as she answered "Yes sir," that made it evident that though she was ready to give her evidence as the law demanded, she regretted to do so very much.

"Will you then kindly state to Court and jury, what you saw occur in your home on that said day?" asked the prosecutor, in his gentlest

voice. Mrs. Goodly sighed, and her face turned pale as she began to speak:

"I was descending the stairs leading to the second story when my attention was attracted by the sound of loud talking coming from the first story. As I reached the second story landing, a man at work there cleaning the woodwork, informed me, in substance, that his employer and Truart were quarreling again."

"Pray proceed in your own way, madam," said Mr. Smartman, when Mrs. Goodly paused.

"The voices became louder and angrier, and I hurried down the next flight of steps intending to go to the reception room and endeavor to pacify Mr. Rochartreau and Mr. Truart, as I had succeeded in doing on other occasions."

"Oh! then this was not the first time that the Marquis had had trouble with the prisoner?" asked Mr. Smartman with well feigned astonishment.

"No, sir, I——"

"Pardon me madam"—gently interrupting the witness—"we will go into that later on. Pray proceed now with what you saw occur on the aforesaid day."

"I had just reached the foot of the stairs," resumed the witness, "when I was startled by a crash, followed instantly by the dull sound of a heavy body striking the floor, and then by groans! Before I could fully determine in my mind what to do, the reception room door opened and Mr. Rochartreau staggered into the hall. He had no hat. His clothes were covered with dust and paint; and his neck, face, collar and shoulder

were saturated with blood!—Oh!” exclaimed the witness, closing her eyes as if to shut out the frightful picture she had just described. Then she added:

“It was horrible! horrible!”

It seemed for the moment that the witness was about to faint, and one of the court attendants quickly procured a glass of water and handed it to Mr. Smartman, who offered it to her. But Mrs. Goodly thankfully declined it. Her weakness left her as quickly as it had come, and she was quite ready to go on with her testimony.

This incident produced a greater sensation than in the case of Madame Rochartreau, and many were the indignant glances and bitter remarks directed at the accused and his lawyer.

The blow had fallen sooner and harder than Paul’s mother had expected! Her head drooped upon her breast. She seemed on the verge of collapse. Her great grief, however, appeared to endow the younger woman with renewed strength.

“Courage—courage—” she whispered, as she slipped her arm around Mrs. Truart’s shaking body.

Mr. Editman sat silent and thoughtful, and if he was aware of the suffering of his two companions, his face did not indicate it.

“Better so,” thought Mr. Pener, who had been observing the two women—“better that they suffer now and thus be prepared for the ending of it, than have it come to them all at once!” Then he looked at the defendant and was astonished to see that his features, like those of

Sincere, bore the same calm expression as ever.

"It is wonderful how young Truart comports himself under the circumstances," he said to David.

"Rest assured, Pener, it is all owing to his knowledge of having done no crime!" said David.

"I'll admit one thing," said Mr. Leering to the latter, "and that is, that your thoughtless boy puts up the nerviest front I ever saw in all my professional experience!"

"Did the Marquis say anything to you, madam, when he saw you in the hall?" again resumed Mr. Smartman in a sympathetic voice.

"He said in substance—" here the witness hesitated and looked at the defendant sorrowfully—

"Go on please, Mrs. Goodly," said the prosecutor.

"That he had been assaulted by Mr. Truart. And I said I could not believe——"

"Stop! stop!" interrupted Mr. Smartman, shaking his index finger at the witness, somewhat humorously—"just state, if you please, what the Marquis said to you."

"He said," resumed the witness in the same voice and manner—"that he had been attacked by Mr. Truart, in a brutal manner!"

The answer produced another deep sensation and many resentful remarks against the defence; while the jurymen seemed to look very hard at the accused.

"Did he say anything else?" asked Mr. Smartman, seriously.

"He said as near as I can recollect, that he was extremely sorry that such a disgraceful affair

should happen in my house, and assured me that he was entirely blameless in the matter."

"What happened then?"

"I advised him to go directly home and place himself under the doctor's care. He followed my advice. He was assisted by the painter and gilder to his carriage.

"So that in your opinion, madam, the Marquis was a very badly injured man?"

"Oh! yes sir—very much so," replied the witness, the expression of her face suiting her words.

"Now, Mrs. Goodly, one question more, if you please," said Mr. Smartman, in very kindly tones, "how many times did the Marquis have trouble with his assailant, prior to the one that culminated in this trial?" The witness thought for a moment, then answered:

"Three."

"Do you know the nature of those quarrels?"

"No sir—At least, not of my own knowledge."

"Did not the Marquis give you any information on that point?"

"Yes sir, he did."

"Please state to Court and jury what he said, Mrs. Goodly."

"Mr. Rochartreau informed me that it was entirely owing to Mr. Truart's ungovernable temper and conceitedness, (I use his own words) but that the matter was of no consequence whatever, and that if I so desired, he would discharge the young man at once. But I thought so much——"

"No! no! madam," quickly interrupted the prosecutor—"just simply answer my question, if

you please." The witness bowed, and gave the accused a compassionate glance.

"Is that right? Is that honest?" asked David, trembling with agitation, "to shut off a witness who is, maybe, on the point of saying something good for the accused?"

"It is lawful," said Mr. Pener, smiling.

"But you madam, interceded for him?" asked Mr. Smartman, after looking for a moment at his memorandum.

"Yes sir."

"Did you intercede for him on more than one occasion?"

"Yes sir, on three occasions."

"And the Marquis, in deference to your intercession, continued to keep him on your work?"

"Yes sir; so I believe. I would like to state though, that it was one of the stipulations——"

"Not now, madam, not now," again interrupted the prosecutor. He placed the paper he held in his hand on the table and then turned once more to the witness, forgetting or ignoring the fact that he had informed her but a few minutes before, that he had but *one* more question to ask her.

The serious expression of his face and his manner plainly denoted the importance of what he was about to say.

"Mrs. Goodly, were you approached at any time since the day of the assault committed in your house, by any person or persons connected with this case directly or indirectly?"

"Now for the roasting!" whispered Mr. Leering in David's ear.

Mrs. Goodly grew restless—she hesitated—she

looked from Mr. Smartman to Sincere with an expression that was almost appealing.

"Come, come, madam," said the prosecutor eagerly—"do not permit yourself to feel the least scruple about answering. I assure you, I have the most important of reasons for putting the question to you!"

"Yes sir," replied the witness timidly, and she looked at the defendant's lawyer as if she felt she was about to do him great injury.

"How many times and by whom, Mrs. Goodly?" asked the prosecutor gravely, in the perfect stillness that now prevailed.

"I was visited the first time by a gentleman who is directly connected with this trial; and another day by an artist friend of Mr. Truart, and on that same day, and on several other occasions, by the former,—Mr. Sincere."

"What!" cried Mr. Smartman, after a moment of speechless astonishment, as he gazed with utmost disdain at the defendant's lawyer, who sat facing the witness, calmly, with an almost imperceptible smile on his pale features.

"What!" repeated the prosecutor in a thundering voice, as his blazing eyes turned from Sincere to the jury and then to the witness——

"Mrs. Goodly," he said slowly, after pausing a moment to curb his seeming virtuous indignation—"You say the lawyer for the defence called upon you several times?"

"Yes sir. Several times," she said in a louder tone.

The calmness and answer of the witness seemed to greatly perplex the prosecutor. He

stared again at the jurymen, then he looked at His Honor.

The spectators were almost breathless with curiosity at what was about to be revealed.

"Now for the roasting," repeated Mr. Leering, grinning with malicious satisfaction as he placed his hand on David's shoulder. "I told you I'd do it! The little shrimp is going to get the raking over of his life!"

David at that moment could have shaken the lawyer's hand heartily. All his bitter feeling against him was forgotten in the thought of seeing the man he so hated, shown up in his true colors!

Mr. Smartman remained silent for a moment. He brushed back the hair from his damp brow. An ominous expression was in his eyes. He was thinking what he could say strong enough in condemnation of a lawyer guilty of the heinous crime of attempting to intimidate a witness, and a lady at that!

"Why your Honor," he cried at last in loud indignant accents, which resounded in the courtroom—"I declare, I have never heard of such a proceeding during the whole course of my professional experience!" then he turned to the witness, who, to the surprise of all, was wonderfully calm under the circumstances, and asked:

"Will you please state to Court and jury, madam, what the defendant's lawyer *demand*ed of you?" Every one seemed to bend forward in order to catch every word of the answer.

The witness opened her eyes wide in surprise.

"He did not *demand* anything sir!" she said distinctly.

Mr. Smartman gave a start! The answer was so different from what he expected.

Mr. Pener and David stared at one another inquiringly, and Mr. Leering showed his intense disappointment by giving the latter a wicked glance.

"Will you then, madam, please state to Court and jury, what reason he gave you for his unprecedented intrusion?"

"He did not intrude, sir, I assure you," answered the witness quietly.

"How madam?" asked Mr. Smartman, now angry as well as surprised, though he endeavored to be calm and polite to the witness.

"He did not intrude," asseverated Mrs. Goodly. "He sent me a letter—together with another letter, from one of my most intimate friends by way of introduction,—asking me for an interview, to which I readily replied, consenting to it."

"Have you any objection in stating what his motive for said interview was?" asked the prosecutor, in a forced gentle voice.

"Not in the least sir. Mr. Sincere informed me that he simply desired to obtain from my own lips an account of the assault before offering his services to Mr. Truart."

"And you refused?" Mr. Smartman bit his lips with vexation.

"Oh! no sir. I recounted to him willingly, in substance, what I have recounted to you here."

"And did he not attempt, in any way, to influence your judgment in the matter—say for in-

stance—to persuade you against appearing as a witness for the prosecution?” asked Mr. Smartman insinuatingly.

“No sir, not at all.” The tone of Mrs. Goodly’s voice and the expression of her face denoted that the prosecutor’s questions were becoming irksome to her. But Mr. Smartman pretended not to notice it. He seemed to have a suspicion that the recollection of the witness was at fault. Besides that, he had calculated upon making much capital out of Sincere’s alleged “unprofessional conduct,” and he had, too, prepared his hearers for it. The very idea of *failure* galled him. His face showed that he was in deep thought, as with his arms folded across his chest, he stood for a moment staring at the floor.

“Mrs. Goodly,” he said in a subdued grave voice, and gazing at her as if he sought by the power of his eyes to compel her to answer in conformity to his wishes—“Please bear in mind that the question I am about to repeat, cannot be overestimated in its importance from a layman as well as from a professional point of view—Are you positively sure, to the best of your recollection, that the defendant’s lawyer did not directly or indirectly attempt to intimidate you regarding your duty towards the law?”

Mrs. Goodly’s cheeks flushed slightly and her eyes contracted somewhat as she answered pointedly, “You have had my answer sir!”

The Assistant District Attorney sat down. He was so angry over his disappointment and so mortified at Mrs. Goodly’s rebuke, that he forgot the respect due to the witness, Judge and counsel.

Mr. Pener's features denoted the satisfaction he experienced over the turn of affairs. He could not refrain from saying to his friend:

"Well, Sincere does not appear to be so bad as you painted him." David's countenance and manner showed plainly the embarrassment under which he was laboring. He kept his eyes directed on the floor.

"Say, that's a pretty kind of a muddle you've got me into, isn't it?" said Mr. Leering—his voice was full of anger and reproach, as he looked at the latter—"That's a fine way to treat a fellow isn't it? How in thunder am I going to square things with Smartman, eh?"

"I am very sorry, Mr. Leering," was all that David could say.

"Do not give yourself any uneasiness about that," whispered Mr. Pener to his friend, "they are both lawyers you know, and two of a kind."

"Have you any questions to ask the witness?" asked the Judge at this moment, addressing the defendant's counsel, who had arisen to his feet.

"Yes, if your Honor please," he answered, as he inclined his head. Then he turned to the witness. His face was pale and calm, but determined. He did not seem to notice the expression of friendly recognition that came on Mrs. Goodly's countenance, and he returned her slight bow coldly, but respectfully.

While Sincere was arranging his papers, the curiosity among the spectators was at its height; and their remarks, and conjectures regarding him were numerous. Some of the spectators could not believe it possible that he was going to at-

tempt to shake the testimony of a witness who seemed to them the very personification of Truth! Others were of the opinion that he was going to attempt with a woman, what he had been afraid to attempt with a man! While not a few of Mrs. Goodly's friends were either alarmed, or indignant at the mere thought of her being subjected to a cross-examination. There were a few, besides, who considered themselves authorities on such matters, whose feelings were voiced, in a more or less degree, by Mr. Leering:

"Mark my words," he said in a tone that indicated his spite and anger. "That sneak is going to undo the little good the witness did for him, without knowing it!"

David, to whom the lawyer had addressed his remark, did not say a word. He was dejected, enervated almost. He did not even raise his eyes from the floor. Mr. Pender sat a calm and very attentive observer of Sincere's movements.

An almost perfect stillness reigned as the counsel for the defence drew nearer to the witness. He had in his hand a sheet of card-board about eleven by fourteen inches in size, which he had taken out of its envelope and now held face inward against his breast.

"Mrs. Goodly," he began, in a tone of voice and manner which indicated at once the man accustomed to coming in contact with well bred women—"having received from you, in our first interview, an account of the alleged assault, so far as you knew of it from your own personal knowledge, I asked you, if you would be kind enough to inform me if you had had occasion to go into the

reception room at any time during the progress of its decoration?"

"Yes sir, you did," said the witness unhesitatingly.

"And you informed me that you *did* go into said room almost every evening after the men quit work, to see how the decoration progressed?"

"Yes sir."

"Well now, madam, will you kindly state to Judge and jury what further took place between us on that said day?"

"Certainly, sir, with pleasure."

Everybody in the Court was now wrapped in silent attention, but no one more so than Mr. Smartman.

"You asked me," went on the witness, apparently deeply interested in the subject—"if I remembered in what position the ladder stood—by which the men ascended to the top of the scaffold—on the evening before the day of the assault. I answered yes. You then took the ladder that lay upon the floor, a perfect wreck, and tied its broken parts together with cord, and then stood it up according to my directions. Then with my permission, a photographer who had accompanied you, took a photograph of ladder and scaffold!"

Sincere bowed his thanks to the smiling witness.

"On the following day madam, I brought you a photograph enlarged from the first one and asked you to compare same with said ladder and scaffold?"

"Yes sir."

"Is this the photograph referred to?" asked the lawyer, handing the card-board, already mentioned, to the witness. Mrs. Goodly accepted it—looked at it for a moment approvingly, turned it over and seeing her own handwriting on its back, returned it to Sincere as she said:

"Yes sir, it is the identical one."

"If your Honor please," said Sincere, handing the photograph to the court attendant, who gave it to the Judge—"I offer it as evidence."

Mr. Smartman was on his feet in an instant, making all sorts of objections against admitting the photograph as such, but his objections were all over-ruled, and it was soon marked "Exhibit one."

The Attorney for the people took his first exception. And many of the spectators looked surprised.

"Mark down one for Sincere!" said Mr. Pener to David, who seemed to have lost the power of speaking. Mr. Leering simply grinned at the remark.

Sincere took up a paper, perused it, and then turned again to the witness:

"Mrs. Goodly, do you know the name of the man to whom you spoke who was at work on the second story landing, on the day of the alleged assault?"

"Yes sir; Mr. Joseph Bloonder."

The prosecutor gave a start as if in astonishment at the answer.

"Was he the man who was cleaning the wood-work of the stairs?"

"Yes sir."

Mr. Smartman leaned forward like a man who is in doubt as to the accuracy of what he is hearing.

Sincere's voice grew louder as he asked the next question, slowly and distinctly:

"Mrs. Goodly, was anybody with Mr. Rochartreau when he came out of the reception room on the day of the assault?"

"No sir, there was not," deliberately answered the witness, with the ring of positiveness in her clear voice.

Mr. Smartman drew back in his chair like one receiving an unexpected blow. Then instantly regaining his composure, he smiled and shook his head incredulously.

"You are certain of that madam?" asked the young lawyer.

"Yes sir."

"Mrs. Goodly," went on Sincere, raising his voice so that it could be heard clearly in all parts of the room:—"When you made use of the terms gilder and painter, in your direct examination, to designate the two men who helped Mr. Rochartreau to his carriage, you meant respectively—Mr. John Toughler, and Mr. Joseph Bloonder?"

"Yes sir; I did."

"Will you be kind enough, madam, to state to Court and jury, in your own way, *how* and *when* the two men mentioned came to Mr. Rochartreau's assistance?"

"Yes sir," said the witness, her face becoming pale—"The moment I saw the pitiful condition of Mr. Rochartreau, I called to Mr. Bloonder, who stood like one dazed, leaning over the banister

rail, to come at once to his employer's assistance; and then I hurried to the basement stairs and called for the help, and the first person who came up was the cook, Helen, followed by Mr. Toughler the gilder."

Tap! tap! tap! came loudly from the Judge's gavel to silence the slight commotion on the part of the spectators, caused by the unexpected, very contradictory answer.

"Then, madam, neither Mr. Toughler nor Mr. Bloonder were near Mr. Rochartreau when he came out of the reception room, a very much injured man?"

"Why no sir!" answered the witness in surprise—"The poor man was alone!" she added in a very positive manner, which increased the astonishment of her hearers.

"Madam, I am obliged to dwell so long upon this point in your testimony, because it is of paramount importance to the interests of my client, and I ask your pardon in advance for the question I am about to put to you," said Sincere gravely.

Never was a question awaited with more curiosity. The spectators, jurymen, court officials and even the Judge, as if moved by one common impulse, bent forward toward lawyer and witness in a listening attitude.

"If I were to inform you, Mrs. Goodly, that both Mr. Toughler and Mr. Bloonder have testified in this court—under oath—positively and unqualifiedly, that they were in the reception room during the alleged assault—would that in any way

cause you to have any doubt as to the accuracy of your recollection of the lamentable event you have testified to?"

The witness, whose expressive eyes had dilated by degrees in astonishment as the question progressed, answered, at its conclusion, in a voice that was not free from indignation——

"Emphatically no, sir!" and before her hearers had time to get over their own astonishment, she went on, now showing by her manner how thoroughly she was aroused to the importance of her assertion——

"It is just as I have stated it, sir!" then turning to the jury—"Mr. Bloonder was on the second story landing and Mr. Toughler was in the basement! Oh, gentlemen, I am positive of that!"

The spectators relieved of their tension, drew back with emotions of disappointment or satisfaction or such as their sympathies inclined them.

The jurymen were evidently sorely perplexed, and looked at each other inquiringly.

A frown was on the Judge's face.

It was very apparent in spite of Mr. Smartman's endeavors to appear calm and unconcerned, that he was very much annoyed and angry over the unexpected turn of affairs.

"Mark down a big *one* for Sincere," said Mr. Pener, visibly agitated for the first time during the trial, addressing David; but the latter was yet speechless with shame and regret and disgust for himself.

"Mrs. Goodly," resumed Sincere, "did you say

anything to Mr. Rochartreau when he informed you that Mr. Truart had assaulted him?"

"Yes sir. I said that——"

"Hold on!" shouted Mr. Smartman rudely, as he sprang to his feet—"I object to that your Honor!" and he went on in a most strenuous manner, which to many seemed entirely uncalled for, to give his reasons for it, which were over-ruled; and he sat down again after taking an "Exception."

"Good! good!" said Mr. Pener.

"Bah, there's nothing in it!" said Mr. Leering, his face still grinning.

"Proceed, madam, if you please," said Sincere.

"I said to Mr. Rochartreau, that I could not believe Mr. Truart guilty of such a heinous crime! And he said, 'my condition speaks louder than words!'"

"Did you see Mr. Truart before he left your house, and did you have any conversation with him, regarding the assault?"

Again Mr. Smartman objected before the witness had the time to answer, and again the objection was over-ruled, and another "Exception" recorded for the prosecutor.

"Good again!" said Mr. Pener.

"Good nothing!" muttered Mr. Leering.

Sincere repeated his question to the witness——

"I said to Mr. Truart, just as he was leaving my house that I never would have dreamed he could be capable of such an atrocious act! and he answered in a respectful, yet highly indignant manner, that I had been entirely misinformed;

but that since I believed him capable of such a crime, he deemed it useless for him to enter into any explanation!"

"Did you hear that Dave? Did you hear that?" asked Mr. Pener squeezing his friend's arm so hard in his excitement that it made him wince.

"Yes, yes, Pener, I heard it. It is just like the poor boy!" David managed to say:

"Is that all that was said madam?" asked Sincere. The witness thought for a moment, then answered:

"That was all, sir."

"Then Mrs. Goodly, I have no more questions to ask you and I thank you very much."

"The idea of thanking a witness! He makes me sick," mumbled Mr. Leering.

CHAPTER XVI.

The witness made a movement as if about to leave her chair, and Mr. Smartman again sprang to his feet:

"One moment, Mrs. Goodly!" he said in a voice that betrayed his disturbed state of mind. Then he tried in a persuasive manner—with all the subtlety at his command and in as gentle a way as he could, under the circumstances, to induce her to admit that she might have erred, even in the smallest degree, regarding to the "whereabouts" of the two men, Toughler and Bloonder, during the assault.

"No, sir!" answered the witness firmly; "they were just where I have *affirmed* they were."

Then Mr. Smartman, losing somewhat the control of his temper, proceeded in his most impressive manner, to explain to Mrs. Goodly how the most rational of minds is liable to receive wrong impressions of shocking incidents during a state of great excitement, caused by intense fright! But she answered calmly and convincingly, that she was not in a state of great excitement, nor intensely frightened, at the time. She was a little shocked and a little frightened, it was true, but not to such a degree as to impair her faculties of sight and hearing in any way.

"That woman is worth her weight in gold," declared Mr. Pener.

"Oh, she is fine! fine!" ejaculated David in response.

"And yet," said Mr. Smartman after a short pause, with natural persistency, "I have known of witnesses who while positively sure of stating the truth and nothing but the truth, concerning what they had seen happen before their very eyes, gave utterance to statements, I say which circumstantial evidence afterward proved erroneous beyond any doubt!" and the prosecutor opened his eyes wide and an expression came into them which seemed to ask:

"Am I correct?"

"That's all right," muttered Mr. Leering to himself. "Give me circumstantial evidence every time!"

"Sir," answered Mrs. Goodly, her soft, well-toned voice for the first time during her distasteful position not free from displeasure—"there is no doubt in my mind as to the truth of what you say; but it seems to me, that such persons are just as liable to err on one side of a question as on the other. Now if I were recounting to my friends, for example, the recollection of unimportant incidents I might very probably, owing to their trifling nature picture them as inaccurate as my observation of them had been superficial. But, sir, knowing after I received your request—three days after the alleged assault—to appear as a witness against Mr. Truart, that I should have to recite the incidents in question before a Court, I kept those incidents fresh in my mind from day to day, so that when I should stand, as I do now, under oath—in God's presence—I may say, I might not utter one word regarding them at variance with the truth!"

Mr. Smartman seemed nonplussed for the mo-

ment. She was his own witness, and he felt, as all the others who had heard her, must have felt, that she simply stated the truth as He had given her the sense of seeing it. Her words and manner seemed to effect everybody. The Judge's face lit up with a smile of approbation, and the jurors looked at her with evident respect. Mrs. Truart and Miss Faithly were weeping softly, and Mr. Editman shaded his eyes with one of his hands as an excuse, perhaps, to hide his emotion.

"That is all madam," said the prosecutor after a moment. "That is all madam," said Sincere; and Mrs. Goodly, little dreaming of what she had accomplished, calmly stepped from the witness stand, the object of many remarks of admiration and was soon among her friends.

"I wonder if we are going to have a recess?—It is already half past twelve," said a spectator seated near Mr. Pener.

"We are going to have it now I believe," said the latter. Hardly had the journalist spoken when the crier announced a half hour intermission. The hum of human voices at once arose in the room as the Judge left the bench. Many of the spectators immediately proceeded to take their departure, among them Mr. Editman closely followed by the Truarts, Miss Faithly and Sincere.

David still sat silent—like a man bereft of speech. He was now conscious of how very much he had misjudged and defamed his friend's lawyer. He felt mortified and disgusted with himself and he hung his head lest their eyes might meet.

"Dave!" said Mr. Pener, enthusiastically, "that was the neatest piece of legal strategy I have ever

seen performed in any court! Sincere has thrown down—made a helpless wreck—of Mr. Smartman's big structure, built on a foundation shown to have been made up of the vilest rubbish! He will now have to build another with better material or——”

“Oh shucks!” interrupted Mr. Leering as gruffly as he was spiteful—“That's all humbug and nonsense! The little sneak has thrown nothing down! Say!”—turning to David—“didn't the witness prove beyond any doubt that the Marquis was assaulted? Didn't she?—Of course she did! Supposing for the sake of argument we admit the two men were not in the room when your thoughtless boy all but killed his victim—does that prove the man was *not* assaulted? The Marquis *was* assaulted! Now, who assaulted him? Did he assault himself? Bah! some people make me sick!”—giving Mr. Pener a sneering glance—“Come on, Dave, are you going to have a bite? You will need strength for what's to come!”

“No, Mr. Leering,” answered David meekly, “I am not hungry.”

“Oh, come on!” repeated Mr. Leering, impatiently, his eyes denoting his rising resentment at the other's coldness. Then he added in a gibing way: “Come on, and I'll introduce you to some nice girls!” and he looked over at Maree and her friends.

“No, I am going to remain here,” retorted the artist pointedly.

“All right, suit yourself about it!” and shoving his hands in his trousers' pockets, with his hat on the back of his head, Mr. Leering walked away.

“Your legal adviser seems to be going away very much displeased!” observed Mr. Pener, jocularly.

"I don't care!" declared David, "I want nothing more to do with him as a lawyer or as an acquaintance! I am going to pay him what little I owe him and that will end all further intercourse between us!"

"As I was going to say before your *friend* interrupted me," resumed Mr. Pener, "Mr. Smartman will now have to build another foundation of better materials to support his superstructure!" David looked inquiringly at his friend.

"You see," said the latter, "it is now simply the word of your young friend against that of Rocharteau, for none of those jurymen, I venture to say, will ever think of accepting the testimony of two such men as Toughler and Bloonder in preference to that of a woman like Mrs. Goodly!"

"Oh, certainly not!" declared David, with something like renewed courage in his manner. "They would be out of their senses to do otherwise!"

"Ah, Dave, there goes Mrs. Goodly now!" exclaimed Mr. Pener as he gazed admiringly at the latter.

"Why!" said the other in surprise, "only *one* of her many friends is accompanying her!—That looks to me as if she intends to return!" Mr. Pener followed her with his eyes until she passed out of his sight.

"Say, Pener, let us change our seats," said David, "that is if you have no objection," he added.

"None whatever. Where do you wish to go?" Both men had arisen to their feet.

"Away in the rear, beside that pillar," replied David, motioning with his head in the direction of the latter. They were soon seated beside it. In

their new position, though they could not see the entrance to the court without bending their bodies forward to a very uncomfortable degree, they had a clear view of all else before them.

"I am glad to be in this place, Pener, because I don't think Mr. Leering will see us when he returns."

Mr. Pener nodded with approbation, as he said enthusiastically:—

"Dave, I am quite captivated by Mrs. Goodly. I have never in all my life beheld a more prepossessing person. I am sure she is a thoroughly good woman!"

"Good? She has the reputation of being one of the best hearted women that ever lived! She is ever performing good actions for the benefit of human beings, yes, and for dumb animals, too. There is no ostentation about her doings. Everything she does is done in her own quiet way. And her husband is as much like her as a man can be like a woman. He is a grand man—a gentleman in the best acception of that very much abused term. But I think," resumed David, after a short pause, "that the best criterion by which to judge of the real nobleness of the characters of wealthy people, is the treatment they accord those whom they employ, be their vocations what they may."

"That is just according to my sentiment on the subject!" said Mr. Pener. David motioned with his head towards a woman seated among Mrs. Goodly's friends.

"You see that one dressed in mourning, just facing this way now?"

Mr. Pener looked as directed and beheld a strik-

ingly comely woman. Her well-shaped head and face, her every movement denoted at once the offspring of well-bred parents. Her regular features which expressed only benevolence, might have served as a model to represent that type of American women whose ancestors numbered creditably among those who dared the dangers of Colonial times.

"Now, you take that woman for example," went on David, "there is nothing too good for her servants in her eyes. From the butler and his assistant down to the man whose duties occupy his time in the cellar, all get their vacation during the summer months, not only with their wages paid in advance, but, also, with money enough to pay for their expenses."

"Well, now that is fine!" said Mr. Pener, "do you know her personally?"

"Oh, yes! I have attended to her decorations for over a quarter of a century!" said David proudly.

"That is a long time, Dave, and it speaks well for you."

"And," resumed the artist, "she is just as good and kind-hearted today, as she was when I first made her acquaintance!—Only last year she paid all the expenses of a voyage to Ireland and back, for several of her servants who desired to visit their 'old folks' and gave them, besides, considerable presents to take the latter!"

"Now that is splendid!" ejaculated Mr. Pener with heartfelt gladness, as he gazed at the object of their remarks with admiration—"And her face indicates plainly that she is a woman capable of just such actions!"

"And mind you, Pener, she not only looks after the welfare of her own servants, but she has looked and does look after the welfare of the servants once in the employ of her parents and even grand-parents—men and women who, one after the other, were rendered incapable of earning their living through old age or accident."

"I sincerely hope that all those who have been benefited by her benevolence have duly appreciated it. It has been my misfortune to meet with persons—men I should say—who would have looked upon actions of such rare disinterestedness towards them as a mere recognition of their own supposed indispensable services."

"Oh, I trust—I am sure, indeed, that her goodness is well appreciated—that she is in fact beloved by all the members of her household. And I can assure you that as for all those men and women to whom she gives employment year after year, of one kind or other—and I have met many of them—I never heard one of them speak but in sincere respectful terms of her."

"Ah, such a person," said Mr. Pener, "indeed deserves to possess all the happiness and all the riches the world can give her!"

"And over there!" said David, referring to Mrs. Goodly's friends, are many who make just such use of the great wealth, Fortune has entrusted them with, Pener!" The journalist looked at the former, his features aglow with the admiration he felt for them.

"I could tell you enough of the good actions of those women in behalf of their less fortunate fellow beings to fill ponderous volumes. Could all the

women, men, and children whom they have generously benefited without the remotest thought of selfishness, be collected together, you would see—you would be astounded at the sight of the largeness of the crowd!" The tears stood in Mr. Pener's eyes—for if there was anything that could arouse his emotions to the degree of bringing them there, it was to hear of woman's womanly actions, and above all, those of his own country which he loved so well.

"It must be a pleasure, Dave, to have to do with such people," said Mr. Pener.

"Well, yes it is; and I cannot begin to tell you how much I have appreciated it and how much more I do appreciate it as the years roll on. Of course the very knowledge of the character of such people and of the confidence they repose in me, brings with it any amount of worriment lest I should fail to please them."

"I suppose," said Mr. Pener, who, true to his calling, forgot for the moment he was not interviewing—"that they are, generally speaking, hard to please?"

"No, Pener, I have not found them so. The women with whom is left the supreme supervision of the embellishments of the home—those with whom it has been my pleasure to collaborate, if I may thus express it—and they are a great number—have proved the contrary. They work entirely, I may say, on the good sense plan, without which you will readily understand, no room can be made truly beautiful. They are generously disposed towards those in whom they have confidence enough to entrust them with the execution of their work. They are quick to grasp at an artistic idea and as quick

to modify it to suit their own surroundings. And they are ever ready to enter cheerfully into an argument over a point of art without the remotest semblance of anything in their speech and manner calculated to make you feel your position socially or financially."

"I can see plainly enough," said Mr. Pener, that your experiences with our wealthy people have been very materially different from those of not a few persons who have written on the subject. As for myself, I have not had any chance to come in contact with them, beyond an occasional interview with some luminary or other in the different walks of life. The greater part of my existence, since I have been out of school, has been spent, when not at home, in courts and in newspaper offices."

"Well, I may say that the best part of my life—some thirty years—has been spent among the wealthy people of our metropolis," said David proudly; "and not for hours or days at a time but for weeks and months, year after year. I have been enabled, therefore, to see what very few persons outside of the household have had the opportunity of seeing—that is, the domestic, the inner life of such people, and I give you my word, Pener, that in all those years I never saw anything but what was in conformity with cleanness, morality, and Christianity. I have never, though, had any experience with those—those—what shall I call them?"—Mr. Pener looked inquiringly at his friend—"Human moths?" David went on. "Yes, 'human moths'—it is not a new term but it is a good one—men and women whose propensities lead them to rotate around and around the glitter and glare of human

life and who, like the real insects, quickly, prematurely, end their blind career! But pshaw! Pener, these last are in such a small minority that they are not worth considering when speaking of our real wealthy people as a whole!"

"And yet, Dave, I am very much inclined to believe that these very moths, as you have so happily termed them, are the very people which superficial writers, native and foreign, use as their criterion, by which to judge of the great majority!"

"I *know* it, Pener! And I also know, on pretty good authority, that even the charges brought against these people have in many cases been obtained from gossipy dissatisfied or discharged servants, and from dishonest tradespeople, and human paracites who are ever ready to betray the weaknesses of those upon whose generosity they have grown fat to bursting. But all these people are a class by themselves and have no more to do with real American men and women, than weeds have to do with wholesome flowers which cheer us while they exist and leave on our memory only what is pleasant to contemplate after they are gone."

"But tell me, Dave," said Mr. Pener, who, deeply interested in the subject, was disinclined to let it drop; has not the working among the wealthy caused any desire in you to be rich?"

"Yes, when I was a young man. But not for the reason which perhaps you may suppose. I did at one time very much desire—not to be rich in the common acceptation of the word—but to have enough money to enable me to travel and see for myself the originals of the reproductions of decorative art of which I had read so much about. But

in after years that desire left me for the reason that chance enabled me to see some of those originals!" —Mr. Pener looked at him interrogatingly—

"I will explain my meaning, Pener. I had pictured those originals in my mind, owing, perhaps, in a great measure to their accompanying descriptions, written by irresponsible enthusiasts—so far beyond their real value from a simple decorative point of view, that when I saw them I was very much disappointed. In fact, I was very sorry that I had seen them, because it deprived me of the pleasure they had afforded me in my imagination!"

"You, evidently," said Mr. Pener—not at all displeased—"are not an enthusiast of European decorative art?"

"No, I am not. In fact, I am totally opposed to European modern decorative art so far as using it as a model for our own. Decorative art, in order to be what its name implies, to my understanding, ought to have the power to suggest to our senses something calculated to arouse in our hearts only what is associated with pure morality, and naturally its models must be in the first place morally clean. Where, then, can the American artist, imbued with good art-sense, find models if he can not discover them in the mountains and valleys or around the lakes and rivers of his own country? Surely it is far beyond comparison, better to draw from such an exhaustless source with a history in its background as pure and simple as itself, than it is to draw from a source for instance, that can suggest to our minds a Du Barry with its accompanying history of a phase in perverted human life in which moral cleanliness had no place! Is not the former more con-

sistent with American simple life? What, after all, are the so-called grand decorations, such as you have heard Mr. Rochartreau so highly extoll on the witness stand, and which fortunately for the country only a very few of our wealthy people have had the weakness to import from other lands? They are for the most part, Pener, a mere complex mass of incongruous detail—an elaboration which smothers the groans and effectually hides the tortures of distorted lines which once upon a time in their simplicity were correctly termed lines of beauty! How much the decorative art of all countries would gain by artists going back once more to nature for their models seems to me inestimable. Ah, how much I would like to see above all, American artists seek their's in the beautiful nature of their own land!"

"You love America, I am certain of that!" said Mr. Pener, himself deeply moved by the words of the excited, enthusiastic artist, as he paused. Davids eyes lost their brilliancy, and his features assumed a grave expression as he said with repressed emotion:

"Yes, I *do* love America, because it stands for all that is really human in its best sense. Besides, I owe it so much!"—Mr. Pener stared at his friend inquiringly—

"Just suppose, Pener, that your parents, sisters and brothers—in a word—your family, thrown through the misfortunes of war and political consequences, from a position of affluence into a condition of poverty, the worst kind of poverty, Pener, because it carries with it the additional cruelty of the memory of better times.—Just suppose, I repeat, your family thrown into a condition of pov-

erty with all its accompanying vicissitudes, the pain, the grief, over the discovery of false relatives and friends; the ingratitude of men and women once the glad recipients of disinterested favors; the insulting importunities of creditors made well-to-do by former generosity!—Just imagine, I say, Pener, your family having experienced all this, humiliated, crushed all but hopeless, coming to a strange land and finding among strangers a warm, sincere welcome! To have extended to them a chance to make use of what nature and education had given them, without being made to feel the flippant stings of arrogance or the cutting grimaces of condescension!—Ah, Pener, my only regret is that I may never be able to show my appreciation for it all!" The artist's sincerity had greatly affected Mr. Pener.

"Well," he said, "if you will make use of the gifts nature has given you to help render the homes of our country more beautiful and thus pave the way, so to speak, for the sincere efforts on the part of those of your noble art, yet to come, I am sure that your fellow beings will never have cause to accuse you of ingratitude."

"Oh, as for that, my ability, be it what it may, will always be used in that direction, and if I do not succeed in proving to the citizens of my adopted country, my good intentions, it will not be because I shall not have tried with all my soul!"

"*Adopted* country!" exclaimed Mr. Pener, in pleased surprise, "Why you speak like a native! You must have been a mere child when your family brought you here!"

"Yes, you are right, my friend, and that is just

what makes me feel the debt all the more for the school and the college were open to me free, and yet without the remotest semblance of anything suggesting charity! No, I am not a native, if I was, I would not have spoken as I have; I would have gloried in silence, in the greatness of my country!" The journalist looked admiringly at his friend for an instant—"Native or foreign born, Dave, you are American through and through!" he exclaimed, and seizing his hand, he shook it warmly.

CHAPTER XVII.

So completely absorbed had the two friends become in the subject of their conversation, that they had been unmindful of what was occurring in the courtroom.

"Well, I declare!" exclaimed Mr. Pener, as he raised his head and looked around him, "Sincere and your friends, and all the jurymen are in their places!"

David, too, was surprised when he looked at the clock and saw that the time allowed for the recess was almost at an end. Mr. Pener who now bent forward from curiosity to get a glimpse of the entrance to the room, drew back quickly and said to his friend:

"Look over there, Dave, in the doorway!" The other did as requested, and beheld Mr. Leering talking familiarly with Maree, while the latter's friends were listening in an apparently amused manner.

"Well, I really do not know what to make of that man! I certainly thought he was above anything like that!" said David.

"I am not at all surprised, Dave. I expected it would turn out just that way, because I observed the frequent friendly glances that passed between them this morning!"

"Well, Pener, I am done with him for good. Mrs. Goodly's testimony has opened my eyes to the fact, that I have been making an egregious fool of myself right along; and he has been helping me—knowingly, I begin to suspect—in that direction."

"Ah! there is Mr. Smartman," said the journalist—glad of the opportunity to change the subject—as the proescutor, with stern, thoughtful aspect, walked to his table, followed by a deputy carrying a number of law books.

"That looks as if there is going to be some kind of an argument," he added, referring to the latter.

Mr. Smartman's presence seemed to cause David's rising courage to suddenly subside again.

"Do you think," he asked anxiously, "that any reliance can be placed on Mr. Leering's information—that the trial will end today"?

"No, I think not," replied Mr. Pener thoughtfully. "And I will tell you why. There is Mr. Rochartreau's family physician to be examined yet, which will, no doubt, occupy at least an hour's time. I am leaving out, mind you, the cross-examinations of both the physician and Mr. Rochartreau. Then if events, so to speak, go on in their regular order, will come your friend's examination and his cross-examination which will occupy, very probably, no less than two hours more. Then will come the summing up on both sides, and the Judge's charge; and, lastly, what is more uncertain of all, as regards time, will come the deliberation of the jury. You can see for yourself the improbability of the trial ending today."

"Oh, I do wish it was all ended now," said David, sighing deeply. "This suspense is just worrying the life out of me, Pener."

The latter was on the point of saying something further on the subject when his attention was attracted by the appearance of a remarkable looking individual.

He was a tall and heavy-built man. He had a round-shaped head with red, fat cheeks, and a wide, straight-cut mouth, with thick purplish lips. His eyes were large, dark and restless. The lower part of his face was well covered with a thick but short, brown beard which was a few tints lighter than the hair of his head, and bushy eyebrows. He wore a top coat of a very delicate hue of buff, on one of whose lappels was fastened a large white rose. The coat hung well open in front, exposing a black Prince Albert garment which was buttoned almost up to a small fiery red neck-tie, which could only be seen when he bent his head backwards. His widely-cut trousers which were dark grey, with narrow vertical lines of a lighter tint, hung down loosely over the white gaiters which completely covered the uppers of his patent leather shoes. In one hand he carried a thick black cane with heavy gold knob, and in the other a low-crown, broad-rimmed, silk hat, attractive for its glossiness.

"Oh, my! Say, girls, isn't he a perfect dandy!" exclaimed Maree, looking after him with a somewhat ecstatic gaze.

"I wonder who he is?" uttered Louie in a kind of a speculative way.

"He, he, he," giggled Maudie, in a provoking manner." He looks just like popper's 'tonsorial artist'—as popper calls his barber."

Mr. Leering, with his hands stuck in his trousers' pockets and his hat on the back of his head—seemed to enjoy the remarks of the young women very much, judging from his flushed laughing countenance.

"Maybe he is a barber," said Louie, maliciously.

All the young women laughed except Maree. She felt that it was her duty to resent anything which to her mind reflected unfavorably on anyone connected with Mr. Smartman or the Marquis.

"Oh, don't be so silly!" she said angrily to Maudie. Then as she saw the respectful manner in which the prosecutor shook hands with the subject of their remarks, and how he invited him to a seat, she asked contemptuously:

"Do you think a gentleman like Mr. Smartman would act that way with a mere barber!"

Mr. Leering at this moment whispered very softly in Maree's ear:

"He is Mr. Rochartreau's family physician." The young woman turned at once on Maudie, who was about to speak, and said, spitefully:

"He is a doctor, that's who he is, if you want to know."

"How do *you* know?" demanded Maudie sneeringly. The other evaded the question by turning her back on her friend.

"Well, anyhow, popper says one trade is just as good as another, provided there's money in it," concluded Maudie.

The doctor and the prosecutor were now in earnest conversation.

"That man," said David to Mr. Pener, referring to the former, "shows, certainly, a very queer appreciation for color harmony."

"And," said Mr. Pener, with an approving nod, "he represents a good example, rarely met with fortunately, of the individual with physical proportions highly suggestive of strength, and nobleness of character, with a weakness of mind generally

found in the effeminate, frivolous type of man."

"Quite true, Pener, and—"

"Say, would you mind changing seats with me? I want to sit near my friend you know," said a voice just then which caused Mr. Pener and David to start in surprise, and the latter to pause abruptly.

"Certainly," answered the individual addressed in a manner that proved his obliging nature; and a few moments later Mr. Leering, his face smiling with malicious satisfaction, was once more seated behind the artist.

"Say, Dave," he said banteringly, "I'm awfully glad to see you. If your friend, though, had not stuck his journalistic head out beyond the pillar, I'd never found you."

David recognized the well-known voice at once and his cheeks flushed slightly with vexation. He turned only partly towards him and nodded his head very coldly.

The lawyer's voice and manner made it evident that he was in no better condition than in the morning. Mr. Pener ignored his remark but felt annoyed at his proximity, surmising that his inaction and the heat of the room would soon cause the spirits to effect his brain, with the general results. Before the lawyer could resume his intended remarks, however, the court crier announced in his usual way that His Honor was about to enter the room. A few minutes after the Judge had taken his seat, everything was ready for the resumption of the trial.

Mr. Smartman arose to his feet, holding in one hand a number of slips of paper, and said in a respectful voice:

"Doctor Fakehuff, will you please take the stand?"

"Certainly," said the doctor in a guttural voice, pronouncing the letter "c" like "zee," as he slowly ascended to the witness chair. He handed his hat and cane, in a rather arrogant way to the court crier and then turned and bowed somewhat stiffly to the Judge. After the formal oath had been administered to him, he sat down, and then gave in a loud voice, his name, profession, and even his office address to the stenographer.

Any observant person could not have failed to notice how very much surprised seemed many of the spectators on learning that the witness was the expected physician, and that none appeared more so than Mrs. Goodly and her friends.

His general appearance was so at variance with the picture that many of the spectators had drawn of him in their minds, owing to what they had heard Mr. Smartman say of him in his opening address, or what they had read of him in the papers, in connection with the trial, that it drew forth not a few comments from his more pronounced critics.

"There, now, I said he was no barber," declared Maree, giving Maudie a reproving glance. The latter merely giggled.

"That man," said Lizette, who had been silently scrutinizing the witness, "is all for clothes." I had an idea doctors were matter-of-fact people who thought more of their patients than of themselves."

"Indeed not," declared Maudie, seriously—"Mommer had a doctor once—he was a-a-al, something or other—" "An allopathist," said Lizette, gravely—"Yes, that's it. Well, he was all the time

looking at himself in the mirror and picking little specks of anything off his clothes, or stroking his whiskers, when he ought to have been thinking of something to cure mommer. So popper 'run him out,' as he says."

"He is certainly 'stuck on himself,' as my little brother has the habit of saying," declared Louie.

The latter's remark was caused by the doctor who at this moment was looking around the courtroom in a very consequential manner. He had crossed his legs and had placed his fat hands one over the other on his knee, keeping uppermost the hand on whose finger, besides other showy rings, was one in which flashed a diamond as big as a full grown pea.

"So that is the wonderful physician," said Mr. Pener, musingly, yet loud enough for his friend to hear—"who, according to Mr. Smartman, saved not only the life of Mr. Rochartreau, but saved also the young man from being tried for homicide?"

"He must indeed be a wonderful man," declared David, who at the mere thought that the physician had been instrumental in saving the Truarts something, enlisted him in his favor.

"Well, he may be a wonderful man, Dave, but he altogether inspires me with a feeling quite the contrary to that which a patient, for instance, should have towards his physician," said Mr. Pener, gravely.

"I must say, though, that knowing nothing of his alleged high reputation before hand, he would, certainly, be the last man I would pick out in a crowd for a professional man, judging from his demeanor and especially from his clothes," said David, sin-

cerely, who had been looking attentively at the witness.

"Bah!" interposed Mr. Leering, who had himself a weakness for striking apparel, "I suppose a person in order to be a profound professional man in the eyes of *some people*, must go around looking slouchy—in baggy-kneed breeches and threadbare coat and frayed out dingy linen. That may be the old *foreign* way, but it's not the new American way. No sir. Why just look at our best lawyers—the brains of the country—they are the best-dressed men of the day. Talk about—" Tap, tap, came from the gavel in the hand of the Judge, silencing all further remarks for the time. The examination of the doctor was about to begin.

Doctor Fakehuff, in answer to Mr. Smartman's questions, stated in a rather lofty manner—using his jeweled hand only to gesticulate with at times, to give greater force to his words—that he had been Monsieur Rochartreau's family physician for many years. That his patient—he was treating him at present for nervous disorder—had been, to his knowledge, prior to the murderous assault committed upon him last September, a strong, healthy man. That he, the doctor, had pulled him through, so to speak, with the greatest difficulty, owing to the stubborn internal complications which had developed, caused by the severe external blows he had received. That, as a matter of fact, is was due mainly to the man's iron constitution, and the advanced state of medical science that his patient was alive today, but that as it was, he might probably feel the effects of those injuries to his dying day.

Then Mr. Smartman, like a man whose time is of

no value, plied the witness with question after question, showing a great command over technical terms employed only by learned doctors, and quickly establishing a reputation for himself among the majority of the lay spectators, as a lawyer with a profound knowledge of medical science.

In fact, they were amazed at the deep show of learning of both lawyer and physician.

Professor Fakehuff, as the prosecutor now addressed him, and which seemed to please him, seemed to enjoy being led along over so much medical ground by such an intelligent examiner, for he did not attempt in any way to discourage him.

During all this very extended examination, though His Honor at times gave signs of disapprobation, Sincere never interposed a single objection. His whole attention was given to the arrangement of his papers. But when Mr. Smartman took the last of a number of slips of paper from the table, scanned it over carefully, and then said:

"Professor, you made, of course, a thorough examination of your patient's body on the day of the assault?" and the witness answered: "Yes, sir, I did." Sincere began immediately to take notes.

"Did you commit the same to paper?" asked the prosecutor.

"Yes, sir, as I invariably do."

"Have you a copy of same with you?"

"I have, sir," and the professor unbuttoned his Prince Albert coat and took from one of the upper pockets of his white vest, a slender book with bright red cover enclosing gilt-edged leaves.

After explaining to the jurymen that the items contained in said book had been copied by himself

from his ledger, now locked up in the safe at his office, he proceeded to read them off in a loud, distinct voice, one after the other, in compliance with Mr. Smartman's request.

Immediately after the professor had read the last item the prosecutor thanked him very warmly, and then he commended him in no stinted manner for having so cheerfully given up so much of "his very valuable time solely for the good of society." Adding that "duly appreciating how great must be his anxiety to get back to his numerous patients he would for that reason not delay him another minute." And then he sat down, apparently forgetting for the moment that his opponent ever existed.

Professor Fakehuff, smiling and bowing in acknowledgement of all this laudation—which Mr. Pener regarded as insincere, bombastic, and entirely inconsistent—made a motion as if to leave his chair, but checked it as he saw Sincere arise to his feet.

CHAPTER XVIII.

David had but little knowledge, he admitted to himself, of law or medicine, and none at all of Latin; but he felt sure he was intelligent enough to understand that Mr. Smartman and Professor Fakehuff were two extraordinary men, and that Sincere, though very cunning, as he had proved himself to be, could not possibly succeed, even in a small degree in invalidating what they had so learnedly demonstrated; that Mr. Rochartreau had been all but beaten to death, and his life saved only by the wonderful skill and unremitting endeavors of his physician.

"I wonder," he said to Pener in a way that plainly indicated his feelings, "if Sincere is going to attempt cross-examining the professor?" Then he added, "I hope not."

"I think he will," returned Mr. Pener, with what sounded like confidence in his voice.

Sincere soon removed all doubts in David's mind, by turning to the witness on whose face was a curious and condescending smile.

"Now, doctor," he began, regarding his supercilious stare with a look of indifference, "You ought to know very well that all that which you have just read off to the jury, and which is really the only part of your testimony that is in any way important to this trial was as unintelligible to the gentlemen patiently sitting in the jury box as Sanscrit would have been." Here the cross-examiner

looked at the jurors, the majority of whom bowed their heads affirmatively.

"I assure you," he continued, turning again to the witness who seemed staggered at the audacity of the young man, "that there are no learned professors among the jurors sitting on this trial, and that, therefore, if what you have just read to them was intended to edify them as to the extent and locality of the injuries found by you on the body of the victim of the alleged assault, on the tenth day of last September, it has fallen, I dare say, very short of its purpose."

The majority of the jurymen again gave marked signs of approval as Sincere paused once more to look at his notes.

His mode of cross-examining the professor was so entirely different from what had been expected by the auditors, that they seemed actually non-plussed by it.

"Doctor," again began Sincere, just as if he felt he was addressing a man no better than himself, "How many years have you been in practice?"

The witness was so wrought up by his injured pride by this time that he could not answer at once; finally he managed to cry out:

"Since before you were born."

The doctor's manner indicated that he had a very ugly side to his nature which the failure on anyone's part to recognize in him a superior human being, irritated and brought into full play.

"Good for the little snip," said Mr. Leering.

"Doctor, will you answer my question?" asked Sincere as calmly as ever; but the witness only shrugged his shoulders in silent contempt.

It was clearly evident that not only many of the spectators, but also, those connected with the court, excepting the impassive Judge, did not approve of Sincere's manner towards the professor; but if Sincere was aware of it, he did not give any evidence of it.

"The impudent little sneak," said Mr. Leering; but no one paid any attention to him.

Sincere again put the same question to the yet angry witness who once more ignored it with contempt.

"The witness will please answer the question," ordered the Judge, at this point rather sternly.

Professor Fakehuff turned quickly to His Honor, in surprise, and became very red in the face, then he stared again at Sincere, who stood patiently awaiting for him to answer, and said:

"Well, young man, since the Judge obliges me to answer—and in consideration of the respect due him—well, I have been in practice *over thirty years*."

The expression on the doctor's countenance, as he uttered the last words, seemed to denote that he expected they would discomfit his inquisitor. They certainly aroused a feeling of respect in the minds of the preponderance of the spectators. They had no such effect, however, on Sincere.

"Are you a graduate of any medical college?" he asked slowly, and not in the least degree abashed.

"What?" exclaimed Doctor Fakehuff, the flush of anger that came into his cheeks extending over his massive forehead—"What—you—you—"

Mr. Smartman sprang to his feet to protect his witness, whose further words had been choked off

by his rage. He severely attacked the defendant's counsel's very questionable mode of cross-examining a gentleman—a professor who stood high in the ranks of medical scientists, and sincerely hoped His Honor would put a stop to it. This eloquent effort which had the sound of deep sincerity was apparently very favorably received by the majority of the hearers, who exchanged many remarks among themselves quite unfriendly to the young lawyer.

"I knew the flunky would make an exhibition of himself," mumbled Mr. Leering, who was becoming cross as well as drowsy.

"Why on earth did Sincere attempt such a thing?" said David dejectedly. "I am afraid he is going to lose the little advantage he has gained."

"He, he, he," chuckled the lawyer derisively. "Gained nothing, no sir, nothing."

Mr. Pener remained silent, but he smiled reassuringly at his friend.

"Come, come, doctor, please answer my question; we are losing much valuable time," said Sincere, as if oblivious to all save the subject in hand. The witness only scowled.

"Answer the question, sir," ordered the Judge.

"Well, in consideration of—

"Stop!" interrupted his Honor, rebukingly—"the witness will omit any such preface to his answer. Mr. Stenographer strike out 'In consideration of—'"

The doctor's countenance again flushed deeply and he answered after a little hesitation:

"I am a graduate of several institutions."

"Please name them doctor," said Sincere, calmly.

"Well, I am a graduate of some of the best colleges of Europe," exclaimed the witness, managing to restrain his boiling rage.

"Oh!" said Sincere, as if greatly surprised, "You are not then a graduate of any American college?"

The doctor held up his hands as if in horror.

"No, no, no! Heaven forbid!" he exclaimed.

Whatever effect this uncalled for aspersion on American medical institutions had on the rest of those who heard it, it moved Mr. Pener to say to his friend:

"If that man knows no more about his profession than he knows about what is due to the country that gives him protection and a good chance to earn his bread, he cannot be much of a doctor."

"He undoubtedly displayed a poor sense of good taste; but it must gaul him, you know, to be catechised by a young person whom he feels to be—judging from his actions—his inferior, socially and professionally," said David, still inclined somewhat favorable towards the physician.

If the defendant's counsel, however, felt the sting of the aspersion, he did not permit it to effect his cold, calm exterior.

"That Sincere," declared David, "must certainly have a nerve of iron."

"And a cheek of brass," put in Mr. Leering.

Sincere took another paper from a package on the table, and read it over. It was one of the doctor's own bill heads and circulars combined. At the top was printed in large crimson letters: "*Doctor Fakehuff's Free Sanitarium.*"

It was seen by all observers that the witness recognized it instantly, and that an expression came

at once in his face that might have been taken either for apprehension or indignation.

Sincere now fixed his eyes searchingly on those of the doctor which seemed to blink shirkingly.

"Are you the proprietor of this *free* Sanitarium?" he asked, pointing at the circular he held in his hand.

The witness demurred replying for a moment, then he said contemptuously:

"You can read what it says."

"Please answer my question."

"Yes, I am," answered the witness in a manner which seemed to imply—"well, what of it?"

"Is it *free* to the poor?" The doctor's silence and shrug of the shoulders which followed, might have been interpreted in two ways—that he considered the subject of the question too self-evident to require an answer, or that he desired to evade it.

"Please answer my question," said Sincere.

Mr. Smartman sprang again to his feet. He appealed to the Judge to put an end to "such" methods of cross-examination. The doctor was a man who ranked high in his profession—"who was—"

"That will do Mr. Smartman. That is already on record," said the Judge, sententiously.

"But, your Honor, the professor's time is very valuable to him, and"—

"Now, Mr. Smartman, please be seated; you should have had that in mind in your direct examination," said His Honor, who then inquired of the young lawyer who had remained calmly awaiting for the prosecutor to get through:

"Is it necessary, Mr. Sincere, to your side of the

case to go into that matter?" referring to the circular.

"Yes, your Honor, and with your permission, I wish to state as a preface to what I propose to say further on, that the very wounds about which so much has been said by the witnesses of the prosecution and the prosecutor himself, are principally what I depend on to prove the falsity of the horrible charge against my client."

The witness stared in surprise, and then, like Mr. Smartman, smiled derisively.

"So, your Honor, with that end in view," went on Sincere, "I made inquiry regarding the physician who had healed said wounds,"—the witness grew restless—"and one of the first things I discovered which has an important bearing on my case is his proprietorship of this very Sanitarium." Sincere paused and looked at the Judge as if to say, "May I go on?" and continued, as His Honor inclined his head assentingly.

"I discovered that though advice is indeed given to the poor, free of charge, the prices charged said poor for the mixtures prescribed for them which must be bought either at *this* Sanitarium or at the drugstore several blocks away, also owned by the witness, but carried on under another name, are so fabulously exorbitant—said prices—that they render to him, the generous proprietor, a profit of from one hundred to five hundred per cent."

The majority of the hearers seemed transfixed by the horrible assertion which the counsel for the defense with the sound of honest conviction had uttered against the witness.

Mr. Smartman once more sprang to his feet

ready to attack the admissibility of all that Sincere had said and to demolish it in the eyes of the astonished jurymen; but before he could begin the attempt to do so His Honor said:

"One moment, Mr. Smartman, if you please," then he turned to the other lawyer, "Will it in your judgment, Mr. Sincere, jeopardize in any way your client's interests to state at this time the nature of your evidence in support of your assertions regarding the matter in hand?"

"Not at all, your Honor."

"But your Honor, I object emphatically to all the assertions—every word of them—and I claim as one of my rights to be heard," cried the prosecutor.

"One moment, Mr. Smartman, one moment. None of your rights will be infringed upon in the slightest degree. I will hear all you have to say pertinent to the subject at the proper time. Proceed, Mr. Sincere."

The prosecutor sat down fumingly.

Sincere took one of several pasteboard boxes lying under the table and held it up to the Judge's view, as he said:

"In this box, your Honor, are a number of small vials (the proprietor's name is moulded in the glass) containing the mixtures sold under the name of medicine to said poor at his stores. These vials were purchased for the defence at said stores by a well-known analytical chemist, a professor—disguised as a very poor man—who also analyzed them at his laboratory, and his analysis of the contents of each of these vials accompanies same," Sincere paused.

His Honor turned to the prosecutor, who immediately began an attack against the admission of any such assertions as evidence, that was both loud and furious, during which he brought up all the points and reasons his crafty brain could evolve to secure his object. Sincere awaited patiently until his opponent's eloquence had subsided, and then he said, as calmly as ever, with His Honor's permission:

"I propose, in order to save further argument, to simply ask the witness to deny or affirm said assertions and to let the matter rest for the present."

The Judge nodded approvingly and looked at the proecutor to ascertain his view on the subject, but not before the witness had given the latter a solicitous glance which, if it was not mere coincidence, seemed to cause him to give silent consent to the proposition. The question was then again put to the witness.

"I refuse absolutely to answer such a question," he replied, hoarsely, with angry determination.

"Now, come doctor," said Sincere good naturedly, which seemed to make the witness all the more furious, "answer my question by yes or no."

"I will not answer such a question."

"Why not?"

"Because I will *not*." The witness was in such a rage now that he seemed to forget where he was.

"Is it because you are afraid that your answer may degrade you in the eyes of Judge and jury?"

The witness pouted, and mumbled his words in such a manner that rendered them unintelligible. Sincere regarded him searchingly for a moment, then said abruptly:

"Oh, well, we will let the answer go for the present," and apparently quite undisturbed in mind or body, he proceeded to place the box and circular upon the table in full view of the witness, who was now mopping his brow with his handkerchief.

The unmistakable signs of relief which came in the doctor's face were so remarkable that even his most ardent sympathizers exchanged remarks over their disagreeable surprise at it. As for Mrs. Goodly's friends they had been rendered too horrified to speak at the mere thought that there could be any human being capable of practicing such depravity under the guise of generosity.

"What a shame to let that horrid old thing,"—referring to Sincere—"treat a man like the doctor in such a mean way," exclaimed Maree, notwithstanding the fact that all her companions were making unfavorable comments regarding him.

"You see," said Mr. Pener, "Sincere has already shown enough of the doctor's character as a man to easily incline any unprejudiced jurymen to feel that his—the doctor's—word cannot be blindly relied upon with safety. I feel confident now, that even you must admit that Sincere has worked pretty hard and faithful for your friend ever since he took his defence in hand."

"Bah!" interposed Mr. Leering in a thick voice, "who could not do as much and *more*, with a whole pack of sneaking and lying newspaper reporters at his beck?"

"Oh, I frankly admit all that Pener," said David, not heeding the lawyer's interruption, "and I again confess my very deep regret at having so misjudged his ability. But I would have liked to have

seen him go to the bottom of the Sanitarium matter; I was deeply interested in it."

"It may be," said Pener, musingly, "that Sincere thinks he can now gain his objective point without doing that and thus save much time. And then, as you know, he has only put it aside for the time and can take it up at any moment."

"Nobody but a sneak would do a thing like that. That's like holding a sword over a man's head and saying to him, 'do as I wish or I'll let it fall,'" mumbled Mr. Leering. But his words were lost on those for whom they had been intended, for their entire attention was now given to the actions of the defendant's lawyer.

CHAPTER XIX.

Sincere, now, to the apparent curiosity of all those who could see what he was doing, took another paste board box from the floor and placed it upon the table. Then he took out of it the image of a man, painted black, about eighteen inches tall and stood it upright, facing the jurymen; then taking a piece of white chalk in one hand and several slips of paper in the other, turned to the witness.

Mr. Smartman at this juncture arose and in a very sarcastic tone desired to be informed, what his *learned* friend intended to show by his "black maniken" and what possible relation it could have with the case!

Sincere, addressing the Judge, said in substance, that he merely wished to use it in order to show to the jurymen with the aid of the *prosecutor's* witness, just where the alleged victim had received his injuries!

"You may proceed, sir," said His Honor.

"Doctor," began Sincere, not changing his calm manner toward the witness, "I took down in short hand"—motioning to the papers in his hand—"the different items of your memorandum as you read them off to Mr. Smartman a few minutes ago, word for word, I believe, which I ask you to kindly help me explain to the gentlemen of the jury. Please refer to your book."

Doctor Fakehuff, who had lost his self-consciousness by degrees, as his curiosity and interest had grown over Sincere's surprising tactics, smiled in

a way that seemed almost friendly as he did at once as requested.

Mr. Smartman, with his hands clasped behind his head, leaned back in his chair with what seemed to be an amused smile on his face.

"Item one," began Sincere.

"Go ahead!" said the witness.

"Severe contusion," went on Sincere, "on the upper left cavity of the sinister orbit—with profuse coagulation of blood. Is that correct?"

"Yes, sir—that—is—correct."

"Now, doctor, is not the plain English of that simply to designate the marks produced by a blow received under the arch of the left eye's socket?"

"Yes, certainly; but you must remember, my dear sir, that the blow as you call it, caused the dislocation of the lens and partial detachment of the retina from the choroid, directly under the sclerotica—" went on the witness in a very rapid manner—

"Doctor! doctor!" cried Sincere, holding up his hand, appealingly,——"and the third tunic—known as the pia mater of——"

"Doctor!" exclaimed Sincere, remonstratingly——

"And, and," went on the witness, in spite of it, "there was a great tendency to cause glaucoma! The crystalline——"

"If your Honor please?" appealed Sincere as a last resort.

"Doctor, you will please answer only the questions as they are put to you and nothing more," said the Judge.

"Well then, yes!" answered the witness, somewhat ruffled.

"And which is in this place," said Sincere, as he made a mark with the chalk over the left eye ball of the image.

The doctor inclined his head assentingly.

"Item two," resumed Sincere.

"Item two," repeated the witness.

"Temporary paralysis of the orbicularis palpebrarum and the levator palpebræ?"

"That is correct," said the doctor, "sphincter muscles—oh—" checking himself.

"And is not the literal meaning of this item: That the muscles whose fibres run into the upper and lower eyelids and open and shut them, were temporarily rendered inactive?" asked Sincere.

"Yes, you may put it that way," repeated the doctor, reluctantly.

"Caused by the same blow that caused the contusion?"

"Well—y-yes," admitted the witness.

Sincere simply drew a dash across the same eye with the chalk. So silently interested was every body by this time, that the faintest syllable uttered by the witness or the defendant's counsel, could be heard distinctly all over the room.

Sincere paused for a moment, meditatively, then he said:

"Doctor, before proceeding with the items, I wish, if you have no objection, that you would kindly explain the literal meaning of the word contusion, to the jurymen."

"I will with pleasure," said the witness, drawing himself up with importance, at the same time, giving Sincere a glance as if in surprise that any man could be so ignorant as to require a definition of it.

"A contusion," he said, speaking slowly, "means an injury produced upon the body by a blow from some dull instrument which does not break the skin—the outer skin—though the blow may be a very violent one."

Sincere thought for a moment.

"The same as a bruise?" he asked.

"Yes, sir, the same as a bruise." somewhat impatiently.

"When a blow does break the skin, doctor, causing blood to flow in a more or less degree——"

"That," broke in the witness, "is termed a contused wound!"

"So that the jurymen, doctor, are to understand that when the words contusion or bruise are used in your different items they are meant to designate mere blows or rubs which were not violent enough to break the skin?"

"Oh, not at all! sir—not at all!" cried the witness excitedly, and not without resentment in his voice—

"How?"

"Sometimes," declared the doctor, "a contusion, like a concussion, seemingly unimportant to the uneducated eye, is productive of much more serious results, than a contused wound which may cause great alarm to the ignorant by its appearance, because——" here the witness checked himself and looked at the Judge as if to ascertain if he might continue.

His Honor inclined his head approvingly.

"Because," went on the doctor, his air of importance growing more remarkable, "while a contused wound permits the egress of extravasated blood and other matters which are producers of inflammation

—the contusion, having no outlet, the extravasated blood and other obnoxious products resultant from the dull blow, remain to create interiorly very grave complications, ending frequently in death, when the physician is called in too late."

"Didn't I tell you," mumbled Mr. Leering, now hardly able to keep his eyes open, that he'd make a fool of himself! The little sne-ak."

The two friends paid no attention to him.

"Doctor," resumed Sincere, after another short pause spent in looking over his notes, "you have also made use of the word abrasion, will you——"

"Oh, that is merely the rubbing off of the skin," broke in the witness, anticipatively.

"Does much blood flow from such an injury?"

"As a general thing no—that is—when only the outer or scarf skin is abraded. But when the excoriation is deep enough to injure the cutis or inner skin, blood is likely to show itself."

"Copiously?" asked Sincere.

"No—well—not generally speaking—but it might."

"Say, for instance, doctor, a man received a deep abrasion on one of his ears, say the lobe; might not blood enough flow from it to run down the side of his neck and on his shirt collar and collar and shoulder of his coat?"

"Well; well;—that is—a—difficult proposition to answer," replied the witness evasively; having just then caught Mr. Smartman's expressive eyes staring at him.

"Doctor!" said the Judge sternly, from whom nothing seemed to escape, in a displeased tone of

voice, "you will please answer the question by yes-or-no."

"Well—yes," admitted the witness hesitatingly.

"Very good—very good!" whispered Mr. Pener.

"What is it—what is it?" asked David, eagerly.

"Wait—listen—you will see later," said his friend.

"Now, doctor, we come to item three."

"Item three, sir," said the witness, placing the tip of his forefinger on the item in his book.

"The helix and anti-helix of the dextral aurical down to the lobule bruised and abraised; the anti-tragus and concha and mastoid process bruised, and the lobule badly lacerated?"

"Yes, sir; you have it word for word," said the witness.

"And the meaning of it all is this," marking the image as he spoke, "that the right ear was very badly scratched?"

"Nonsense! nonsense!" cried Professor Fakehuff, as if losing his temper, because Sincere had made so little out of so big an item—"Let me inform you, sir!" he went on quite beside himself—"that what you are pleased to term a *scratch* caused acute inflammation—" "There—there! doctor!" broke in Sincere—"to the lining of the Eustachian tube——"

"Doctor now—" again interrupted Sincere—"and the perforation of the membrana tympani, to say nothing——"

"Doctor!" said the Judge in a voice which seemed to subdue the fire in the witness at once, "that will not do at all! You have been over that in your direct examination. You *must* confine your answers to just what is asked of you!"

"Well yes, it means that the exterior of the ear was very badly abraded and the lobule nearly torn off!" answered the witness a little spiteful and laying particular stress on the last two words.

"That was all you found on the right side of the head?"

"That was all; yes sir."

"Then the blood that Mrs. Goodly saw on your patient's neck and collar and shoulder of his coat already mentioned must have come from the wounded—that is—from the lacerated lobule?"

"Yes sir."

"And," continued Sincere, "the effect of that blood upon an inexperienced woman would be to make her suppose that the injury from which it flowed was much more serious than it might be?"

"Now, if your Honor please," put in Mr. Smartman, "I object entirely to any leading questions!"

"One moment, Mr. Smartman," said the Judge; then turning to the stenographer—"please go back to Mrs. Goodly's testimony and see what she says on that point!"

"Mr. Rochartreau staggered into the hall without any hat; his clothes were smeared with dust and paint; and his collar and shoulder were saturated with blood that flowed down his neck—oh, it was horrible! horrible!" read the official. A moment later the prosecutor sat down.

"You may answer the question, doctor," said the Judge.

"Yes sir—blood may have such an effect on an inexperienced person," admitted the witness.

"You understand now why I said *very good?*" asked Mr. Pender of his friend.

"Oh yes," replied David.

"Now, doctor, we come to item four."

"Item four, sir," repeated the witness.

"Contusion on the occipital right above the foramen magnum?"

"That is correct."

"And the meaning of that is—that your patient received a dull blow under the head, just above the neck, where the spinal cord enters the skull to the brain?—In this place?" turning the back of the image to the jury, as he marked it with the chalk.

"Ough! ough!" ejaculated the doctor, as if completely disgusted. "The idea—Why sir! The concussion produced by that blow on the skull, caused the cerebellum, which lies above the medulla oblongata——"

"Stop! stop!" exclaimed Sincere. "——and the pons Varolii which connects the two hemispheres of the cerebellum above the medulla——"

Tap! tap! came from the Judge's gavel.

The witness suddenly stopped and a look of alarm came in his face as he said:

"Oh, I beg your pardon, your Honor." Then he turned to Sincere: "You are quite correct sir," with forced politeness.

"Item five," resumed Sincere, and again the doctor placed the end of his finger on the corresponding item in his book and repeated quite affably:

"Item five, sir."

"Sever contusion," went on Sincere, "under the left side of the inferior maxilla, extending from the symphysis back 6.35 centimeters?"

"You are quite correct again, sir," bowing approvingly and attempting to be pleasant.

"And the plain language of this is: Contusion about two and a half inches long under the bone of the left lower jaw, extending from the chin back towards the throat?—So!" and the lawyer marked the image accordingly.

"Quite right sir—right!" replied the witness as if agreeably surprised.

"Now, doctor, we come to item six."

"Item six," came from the witness, rather cheerfully.

"Bruise and abrasion extending from the dextral acromion process down the brachium and anti-brachium along the ulna down to the carpals?"

"Perfectly correct, sir."

"And the meaning of this is, bruises and abrasions extending from the top of the right arm at the shoulder down to the wrist?" the speaker drawing his chalk along the parts described by him on the black image.

"You are again perfectly correct, sir!"

"Item seven, doctor."

"Very good, item seven, sir."

"Contusions and abrasions between the thorax and pelvis."

"Quite correct, sir, quite correct."

"Which in plain language would be marks produced by dull blows, and rubs in the region of the abdomen?"

"Yes, sir—but the inflammation of the peritoneum—that is—the gastrosplenic omentum—oh, I beg your pardon; yes, you are right." Sincere marked the place.

"Now, doctor, for the last item."

"Ah—all right—very good—" said the witness almost obsequiously.

"Bruise under the dextral patella; abrasion and contusion extending along the tibia to the astragalous and down to and around to the os calcis?" The witness bowed his head affirmatively. "Which in simple words," went on Sincere, "means that the skin was rubbed off under the right knee pan—and contusions and barking of the skin along the shin bone extending to the ankle and down to and around the heel."

"Very good! quite correct, sir, and I must congratulate you upon your masterly treatment of the whole affair!"

Sincere paid no heed to the compliment, but proceeded to mark the image accordingly, the witness looking on with interest and nodding his head approvingly, much to the agreeable surprise of the majority of the onlookers and to the evident annoyance of the prosecutor.

CHAPTER XX.

It had been remarked by those who had watched the witness during his cross-examination, that his spirit of contempt and aggressiveness towards Sincere had left him by degrees and that now his manner was one of acquiescence and respect which, whether real or assumed, caused his sympathizers to regard him in a less favorable light.

"Did you observe with what wonderful skill Sincere handled the professor?" asked Mr. Pener.

"Wonderful indeed!" declared David. "He must be a fine Latin scholar to be able to translate so many technical terms in such an off-hand manner!" Then his face reddened deeply as if from shame as he added, "I will never have the courage to look him in the eyes should I meet him!"

"Bah—Humbug!" put in Mr. Leering. "Scholar! Fiddle sticks! What's wonderful about it?"

"Sincere," went on Mr. Pener, taking no notice of the gaping lawyer, "has, in my opinion, rendered the pompous professor as docile as a spiritless child!"

"Humbug!" repeated Mr. Leering, as if he thought Mr. Pener's words had been meant for him— "what can the doctor do? He knows, and I know and you know and everybody knows that's got any horse sense, that that little sneak—Sincere—has it in his hands to make a show of him——" Tap! tap! came loudly from the Judge's gavel.

"Doctor," said Sincere placing his notes on the

table, and taking the photograph, and handing it to him— "please take this, which is already in evidence, and the correctness of which has been testified to by Mrs. Goodly. It is the photograph of Mrs. Goodly's reception room, in which your patient is alleged to have been assaulted."

The witness accepted it with good grace and bowed his head several times approvingly.

"It shows," went on Sincere, "how the scaffold and the step-ladder, by which to ascend on the former, stood on the ninth day of last September—that is to say—on the evening preceding the day of the alleged assault."

While the doctor was closely inspecting the photograph, Sincere took from the remaining box, lying under the table, a miniature scaffold and step-ladder, the almost exact counterpart of those represented in the photograph. He then took the empty box and set it upon the table, bottom side up, and placed the scaffold and ladder upon it, so that the Judge, jurymen, and the greater part of the curious and amused spectators could obtain an unobstructed view of them.

"Bah!" mumbled Mr. Leering, trying to keep his heavy eyelids open to their fullest extent with poor success— "that's mere child's play!—Monkey business!—Wait until you see how Smartman will knock the whole thing to pieces in a minute!"

The prosecutor, however, who had been closely watching Sincere's every move with apparent annoyance plainly showing in his face, arose just as the former was about to address the witness, and objected, in a very vehement manner to the admitting in evidence of "the whole contrivance;" there

being no question raised regarding the scaffold or step-ladder as to their presence in the reception room where the accused had assaulted his victim, *almost pounding him to death*, or as to the position of the former!

Sincere answered in his same unchangeable calm manner, that he had no intention whatever of proposing to put the models if he might call them so, in evidence. That he merely desired to use them by way of illustration. That his only object in view, if His Honor permitted it, was to endeavor with them to make everything as clear as possible to the jurymen, and he felt sure that the learned Assistant District Attorney could have no objections to that!

But Mr. Smartman had not only one objection to make against "anything of the kind," but many of them, and some of them so far-fetched in the opinion of many spectators as to cause them to look at one another in surprise, as if they felt that if he was not indeed losing his head, he must be in a very excited state of mind.

But those present who were frequenters of courts smiled knowingly, and one of them said within David's hearing:

"Smartman is all right—he is fencing for time!"

"Why! I thought Mr. Smartman was so anxious to *save* time!" observed David to his friend, in great surprise. The latter smiled.

If such was indeed the prosecutor's intention, however, he was doomed to disappointment. He was interrupted right in the heat of his declamation by His Honor, who said in substance, that the grounds upon which Mr. Smartman was basing his

objections, were not at all well taken! And that it was the Court's opinion that in view of the very contradictory testimony—testimony coming entirely from the prosecution's own sources—regarding the presence and non-presence of witnesses during the alleged assault, the permitting of the miniature scaffold and step-ladder, as Mr. Sincere proposed, might prove of great value to the jury while they could not be productive of any injury to the interests of the prosecution or in any way interfere with the reaching of the proper ends of justice!

"But, your Honor"—again began the persevering prosecutor—

"Mr. Smartman, you will please be seated. I will not hear anything further on the subject. I have already ruled upon it!"

The prosecutor sat down like one baffled, taking an exception to the ruling in a surly voice.

The Judge's words seemed to instill new hope in the heart of the defendant's well wishers. Mr. Editman looked highly pleased and he spoke encouraging words to Mrs. Truart and Miss Faithly, who gazed with fondness at their loved one.

"I think that old Judge!" said Maree, "is just awful the way he treats Mr. Smartman; he won't allow him to say a word!"

"You had better be careful," said Lizette gravely, "the Judge may hear you!"

"Well, I don't care, now!" declared Maree, who would no doubt have been pleased could she have heard Mr. Leering's opinion, uttered just at that moment.

"Well that's the rankest ruling I have ever heard! If that isn't rank partiality, I'd like to know what

it is! There's a sample of your reformers for you! Well that's enough for me, that is!" As the lawyer spoke the last words, which, like all the preceding ones, were articulated like those issuing from the mouth of a person well under the enervating influence of liquor, he attempted to rise to his feet, with the apparent intention of taking his departure, but his legs this time refused to support him. A silly grin came into his face as he leaned back in his chair and gave up any further attempt. A moment later he closed his eyes and allowed his head to bend downwards until his chin rested on his breast.

The two friends turned away from him disgusted and again gave their attention to the counsel for the defence, who was now engaged in opening a leather satchel which the defendant had just handed him.

Sincere took therefrom two little figures corresponding, in size, with the scale of the scaffold and ladder. He then placed these figures—which, apparently, to the amusement of all, excepting Mr. Smartman—bore a very striking resemblance to the defendant and his accuser;—the former on the scaffold, and the latter on the step ladder with his head just below the flooring of it. Then he turned once more to the approving witness.

"Now, doctor, if you please, leaving the two little manikens out of the question for the moment, look at this miniature scaffold and ladder and state if in your judgment, they correspond with those in the photograph, in position?"

The witness looked scrutinizingly first at the former, then at the latter, and then said, "Yes sir; so far as I can see, very good—very well done!"

Sincere now took the photograph from the doctor and gave it to the foreman of the jury who looked at it very attentively and then handed it to his neighbor. After each of the jurymen had inspected it in turn with more or less indications of approval, it was handed back to Sincere, who placed it again on the table face downward.

"Doctor," said Sincere gravely, looking straight in the eyes of the witness, "I ask your pardon before hand for the questions I am about to put to you; questions, I assure you which the exigencies of the defendant's position demand of me!"

A look of apprehension, it seemed, came at once in the witness's face as he bowed slowly in assent, while the prosecutor assumed the attitude of a man about to spring to his feet. The perfect stillness that again prevailed, denoted the curious attention of all the hearers.

"Doctor," said Sincere, "you have no interest in this trial, save to see justice done?"

"Certainly not, sir!" opening his eyes wide in great surprise and looking less alarmed.

"You have come here, therefore, simply as a professional man—a doctor—uninfluenced by any tie of friendship or feeling of sympathy for your patient, but only with the honest intention of giving your testimony regarding the injuries you found on the alleged victim's body, from your own careful personal observation and knowledge?"

"Why! of course—certainly—with no other motive—how could you think otherwise?" exclaimed Doctor Fakehuff in still greater surprise and less fear.

"So that even the fact," proceeded Sincere slowly

and distinctly— "that your answer to the final question I am going to put to you may very materially, in your judgment, weaken if not invalidate the sworn testimony of your patient, you will not in any way let that deter you from giving said answer in a clear impartial manner?"

"Most certainly not sir! as God is my witness!" cried the doctor, dramatically.

Sincere paused for a moment. Then he turned to the Judge:

"If your Honor please, I will ask the stenographer to kindly refer to that part of Mr. Rochartreau's testimony regarding the alleged assault, so as to avoid any argument on that point?"

The Judge bowed assentingly and hardly a minute later the official read at Sincere's request—

"As I said this my head was just a few inches below the flooring of the scaffold! Before I had time to descend he was on me like a wild beast!"

"That is sufficient, Mr. Stenographer," said the defendant's lawyer, "and I thank you."

Sincere turned again to the witness—

"Doctor, it has been testified to by two witnesses for the prosecution, besides Mr. Rochartreau, whose testimony on that point you have just heard read, that the relative positions occupied by the two principals in the alleged assault were about the same as the positions these two little figures now occupy—Mr. Truart on the scaffold and Mr. Rochartreau on the ladder, his head a few inches below the flooring of it——"

A remarkable light came into the doctor's eyes like that which comes into the eyes of most intelli-

gent men upon whose minds has just dawned the solution of a problem——

"I understand!" he said.

"Now, doctor," asked Sincere, for the first time showing a little anxiety in his manner—the great preponderance of the spectators again bending forward in order to catch every syllable of what was coming—"Could it be possible that a man standing on a scaffold like this one," pointing to the miniature Truart—"could, without descending from it, inflict upon a man standing upon a ladder like this one," pointing to the miniature Rocharteau, "the injuries marked upon this black maniken?" pointing to the latter. Mr. Smartman in the next instant was again on his feet protesting loudly and eagerly against permitting the witness to answer the question in a way that it became clearly evident to most of his hearers that he was indeed "fencing for time!" But the Judge however, not only allowed the answer but requested Doctor Fakehuff to answer it by yes or no!

"No, your Honor! Such a thing would be absolutely impossible!" exclaimed the witness with all the evidence of sincerity in his manner.

"That is all doctor!" said Sincere, ending the cross-examination abruptly. A murmur as if of great astonishment seemed to come from all parts of the room.

"But!" cried Mr. Smartman, who had not yet resumed his chair, "you are still of the opinion, professor, that the wounds found upon your patient's body, on the tenth day of last September, were very serious! Serious enough to cause the death of most persons"——

"Mr. Smartman!" interrupted the Judge, rebukingly, "you are only wasting time to go into that again—that is all on record!"

The prosecutor sat down sullenly taking an exception, for what reason neither laymen nor professional men could understand.

"You may retire," said the Judge coldly to the witness. Professor Fakehuff arose from the chair with alacrity not at all in accord with his former movements. His Honor's words seemed to reassure him at once. His face again assumed an expression of anger. He did not smile at Sincere; he had a savage scowl on his face as he passed by him. He did not attempt to shake hands with Mr. Smartman, but walked towards the exit with his flashing eyes directed to the floor.

"There goes a man!" said Mr. Pener to David, "who has learned the lesson of his life. He is one of a very large number of persons, who, made up of a mixture of arrogance, dishonesty, and unbounded vanity, have an insatiable craving to hear themselves talk! That individual came into court not with any idea of helping Justice for its sake alone, but simply to pose and advertise himself! Well, he succeeded, I think!"

"I wonder," said David musingly, as he smiled assentingly, "if there are any physicians among the spectators!"

"I am of the opinion that there are," volunteered Mr. Pener.

"Mr. Smartman's eulogium of the doctor and the marvelous cure of his patient, in his opening address have no doubt brought quite a number of them here to listen and to see for themselves; and

Doctor Fakehuff's knowledge of this must have added not a little to his intense bitterness."

"I tell you what," declared David, "People with bad, or even questionable records, after beholding the doctor's experience will desire very much to give the witness stand a wide berth."

"You may well believe that," said Mr. Pener, "it is a bad place for such individuals, and they are hardly to be pitied when they get caught in its meshes unknowingly."

"Halloo," exclaimed David softly, "what is going to happen now?" Mr. Pener's eyes followed those of his friend and saw that Mr. Smartman was about to address His Honor.

It was with great astonishment that the spectators heard the prosecutor make an eloquent request for an adjournment of the trial until the next morning owing to the inexplicable fact that his most important witness—a man well known among his business friends and acquaintances, "for his scrupulousness in keeping appointments" was not in court, and that the afternoon was well advanced.

It was quite evident by the speaker's manner that he was very anxious to gain his object. But His Honor, even before Sincere, who stood ready to oppose the request, could speak, declared that he could not entertain any such motion at the present moment. No one knew better than the Assistant District Attorney of the number of indicted persons awaiting trial and the duty of the Court to expedite the present one. He, the Judge, had granted the request of the absent witness on the strength of his promise vouched for by the prosecutor himself, and he "hoped" he added in a voice, the meaning of

which was not to be misunderstood—"that the witness would keep his word."

Mr. Smartman shot a glance in the direction of several persons seated near his table, then he shoved his hands violently into the pockets of his trousers, and dropping into his chair, crossed his legs, and while he bit his lips as if with repressed anger the sole of the foot that rested on the floor beat the latter with great rapidity.

"Did you observe that person?" asked Mr. Pener, referring to a young man who almost at the same moment that Mr. Smartman resumed his chair, left his seat and made his way hurriedly out of court.

"Yes, that is Mr. Inkler, Mr. Rochartreau's book-keeper," replied David.

"I thought it was he and I am very sorry for it," said Mr. Pener.

"Why so?" asked the other in surprise.

"Because he will be sure to inform his employer of what has taken place."

"Oh, I do hope he will not be able to see him."

Mr. Pener smiled. "My dear fellow," he said, "I am of the opinion that he will walk straight to him."

"You think then it was a prearranged affair between them?" asked David in disgust.

"All is fair in love and war," muttered Mr. Leer-ing, who had just come partly out of a doze.

Mr. Pener nodded to David affirmatively, and directed his eyes to Sincere, who was engaged in covering up his minatures and black maniken with a large piece of white muslin.

CHAPTER XXI.

If Mrs. Goodly's testimony had upset the conjectures of the preponderance of the spectators interested in the trial, regarding its outcome, the evidence of Dr. Fakehuff, especially its concluding part threw them into a state of bewilderment.

Mrs. Goodly's friends, lest they might give the Judge the least annoyance, had refrained from even whispering to one another, the perplexing thoughts their eyes expressed.

"I cannot understand," said one of them, now taking advantage of the pause in the proceedings, "why or how there should be such glaring discrepancies in the testimony of the prosecution's witnesses."

"That really baffles my comprehension," said another.

"I would willingly stake my life, though, on Mrs. Goodly's word," declared a vivacious young woman. "Her perspicacity is wonderful, and her heart is as pure as gold."

"Yes, and the very knowledge of her sterling qualities is what makes the situation all the more inexplicable," said the first speaker.

"The dear soul," said an elderly woman, "she seemed so very much annoyed at Mr. Smartman doubting the accuracy of her memory."

"It was for that very reason," said one at the latter's elbow, "that she left the courtroom just before the doctor's examination."

"Yes, I am aware of that, and we are not to leave

this room until after she returns," declared the elderly woman, not in a commanding tone of voice, but in a sweet reminding manner.

"If Mrs. Goodly's testimony," said a mild-looking man amusingly, who was seated among the women just mentioned and who had heard all their remarks, "could be corroborated by some good evidence strong enough to offset that of Mr. Rochartreau's workmen, it would in my opinion incline most people to believe that what *really* did take place in Mrs. Goodly's reception room between the two principals is only known to the latter."

"In that case, doctor," volunteered a very young man, whom the vivacious one had archly addressed as Mr. Counsellor several times, "it would become a question of veracity between the said two principals. So then what would follow?"

The doctor did not reply, but he motioned courteously to his friend to proceed.

"Why," resumed the law student, thus invited, "the question that would logically present itself first of all to the inquiring mind would be this: Which of the two principals has a motive for perjurying himself? That is to say, which of them has more at stake—in other words, has more reason for doing so? Mr. Rochartreau has nothing materially at stake. The very most he can lose is his gratification of revenge, or satisfaction of seeing his assailant punished. If he has any such desire, it would even then be unreasonable to suppose for a moment that a man of his standing would run the risk, attending perjury, or, at least, a suit for libel, in failing to prove the prisoner guilty, to gain such an end."

"Oh, that is too preposterous to even contemplate," was the elderly woman's exclamation, a sentiment in which her companions unhesitatingly joined.

"But the defendant has everything at stake," went on the student, "State prison stares him in the face! And if by perjury he believes he can save himself, will he scruple at it? That is the way things would stand if the case stood man to man. Now what would be left for the defendant's lawyer to attempt to do in such a case? Why, to successfully invalidate the accuser's reputation for veracity on the one hand and to as successfully show on the other, that the defendant's reputation for veracity, in the past as well as in the present, stands unassailable, thus leaving the jurymen no other thing to do but to take the latter's word in preference to that of the other.

Will the defendant's lawyer be able to do it? As much as I willingly concede his cleverness, and as much as I sincerely wish him success, I must say candidly, that I do not believe he has the remotest chance of doing anything of the kind."

The countenances of his fair listeners showed how much they regretfully agreed with the speaker's conclusion. And the substance of this conclusion voiced in different ways was entertained, also, by many other laymen as well as lawyers. In fact, it was so very evident to the latter that even Mr. Leering muddled as his brain was, seemed to grasp it, for, when Mr. Pener said to David:

"I am now of the opinion, more than ever, that the jurymen will simply have to decide between believing your friend or his accuser," he mumbled.

"Well, what of it? Who's going to take the word of the young rowdy against the word of a man like the Marquis?"

David's face flushed deeply at the remark, and Mr. Pener gave the utterer of it a contemptuous side glance. He was about to say something further on the subject when the main door of the courtroom opened wide and Monsieur Rochartreau hurriedly entered the room and walked directly to the witness stand.

He gave Mr. Smartman, what seemed to many observers, a peculiar smile; bowed profoundly to the Judge, to whom he gave his excuses for his tardiness, and then he sat down, resting his arms on those of the chair and stared very sarcastically at the defendant's lawyer who was occupied in arranging his notes.

"Isn't he grand?" observed Louie earnestly. Maree turned and saw with gratification the expression of admiration on the faces of her companions.

"Indeed he is grand," she said as she handed her bon-bon box to her nearest friend for a final distribution.

"Oh, I think he is just right," said Maudie, as her long fingers seized greedily the last few candies and then handed the empty box back to its owner, who shoved it under her chair.

Sincere at this moment arose with the intention, evidently, of addressing His Honor.

"One moment," said Mr. Smartman, springing to his feet, "I have a few questions which I should like to ask the witness.

"A dozen if you like," said the Marquis, face-

tiously. Meeting with no objection from Sincere, the prosecutor turned to the witness:

"Marquis you are, of course, well acquainted with Mrs. Goodly?"

"Well. Certainly, of course I am. What a——"

"Hold on now," cried the prosecutor, holding up his hand to silence the witness. "Both of your men," he went on, in a manner that plainly denoted that he considered the nature of what he was about to say highly important to his side of the case, "Both of your men," he repeated after a pause, "John Toughler and Joseph Bloonder, have testified that they were both in Mrs. Goodly's reception room during the assault."

"And they were," broke in the witness.

"Wait, hold on," said the prosecutor. "Mrs. Goodly," he continued, "has testified, *positively*, that the said two men were *not* in said room during the assault."

If the expectant hearers had prepared themselves to see the witness look astounded or become confused at the information thus imparted to him, they were greatly disappointed, agreeably or otherwise, for they only saw the smile on his face broaden as he said in a calm voice, not free from railery: "Oh, then I have nothing to say."

This rather chivalrous act seemed to gain him much favor among Mrs. Goodly's friends, but he seemed to lose it all again in the next moment when, in a serio-comic way, he said:

"However, if the lady's mind was shocked by my appearance only one quarter as mine was by the horrible treatment I received, the lady is not to be

blamed any more than myself, if our testimony does not agree upon that point."

"How?" asked Mr. Smartman, as if he failed to grasp at the other's meaning.

"Well, I will try to explain," said the witness in a slow cautious manner. "My mind is entirely clear as to what happened from the moment I entered Mrs. Goodly's reception room until the moment the young villain's blows dashed me from the ladder to the floor; but from that moment until I found myself torn and bleeding, supported by my two men, in Mrs. Goodly's presence, my mind is not clear at all."

"You did not so testify in your direct examination," observed his Honor, looking sharply at the witness. The latter turned to the Judge with an expression on his face that harmonized with the words which followed:

"I am very sorry, your Honor, if I have committed any error in my testimony on this point, and am very glad to have the chance to rectify it. I assure you, your Honor, it was quite unintentional on my part."

The Judge seemed to ponder over the incident for a moment, then he motioned for the prosecutor to proceed.

"All witnesses have the right of modifying and mending their testimony; and there's no Judge can deprive them of it either," mumbled Mr. Leering with a great effort, between his yawns.

"That man," whispered Mr. Pener, referring to the witness, "has been well posted. Did you notice, Dave, how cunningly he attempted to shift the re-

sponsibility regarding the testimony on the point in question on his two men?"

"Yes, I did, Pener. And I am very much afraid that Sincere will not be able to get anything out of him, but what may prove of disadvantage to my friend," said David dejectedly.

Mr. Pener answered him with his re-assuring smile.

"It is simply a waste of time," observed the law student to his companions, "for the defendant's attorney to attempt to do anything with that witness. He, the witness, is a remarkably shrewd man, and he is apparently fully prepared at every point."

"But," resumed Mr. Smartman, in a matter-of-fact way, after a pause, his voice somewhat sarcastic in tone, "with all due deference to Mrs. Goodly, and without any intention whatever of casting the least reflection on the lady's veracity you do, nevertheless, to the best of your recollection, maintain that the two men in question were in the room at the time of the assault?"

"Now, Mr. Smartman, that is entirely unnecessary," interrupted the Judge. "You know that that is already on record." The prosecutor bit his lips with repressed vexation. "That is all," he said peevishly.

Sincere now turned to address His Honor, but before he had the time to speak, Mrs. Goodly entered the courtroom and walked directly and deliberately up to him. Everybody, it seemed, stared in surprise. She declined the chair Sincere instantly offered her, but spoke to him in a very earnest manner for a few seconds. Then Sincere turned again to the Judge and informed him that Mrs.

Goodly desired very much His Honor's permission to make an important statement.

"I knew she'd change her mind," said Mr. Leer-ing, gaping.

"What is coming now?" thought David in alarm, influenced somewhat by the lawyer's remark. "Has she thought the matter over and found that she had erred in her testimony?" He dared not look at his friend lest he might confirm his fears. The defendant's mother, and Miss Faithly, notwithstanding Mr. Editman's encouraging words, bowed their heads as if to escape what Mrs. Goodly was about to say. Mr. Smartman seemed completely astonished.

"Very well, madam," said the Judge after a moment of deliberation. "You may speak from where you stand."

Never was the courtroom more silent than at this moment.

"I have stated under oath, your Honor, that neither Mr. Bloonder nor Mr. Toughler were in the reception room when Mr. Rochartreau came into the hall." Here the speaker was forced to pause to take breath. "Take your time, madam," said the Judge. The defendant's friends awaited in painful suspense. A smile as if of hope came into Mr. Smartman's face. "That statement, your Honor, resumed Mrs. Goodly, "was made in good faith, and I again affirm it." A sigh of relief seemed to emanate from the great preponderance of the spectators. Mrs. Truart and Miss Faithly raised their tear-wet faces and smiled in gladness at Mrs. Goodly. Mr. Editman's mouth twitched curiously.

"Thank Heavens!" said David to himself, while

Mr. Pener wiped his eyes, declaring to his friend that he had been straining his sight too much." Mr. Leering's remarks at this point were inaudible.

Mr. Smartman looked at Mrs. Goodly very reproachfully as she continued in a manner that was convincing to her hearers as to the sincerity of her assertions.

"Mr. Smartman informed me, your Honor, while I was on the witness stand, that both of the men—the painter and the gilder—had sworn that they were in the reception room at the time of the assault. Mr. Rochartreau also swore to the same statement." Here the Marquis shook his head negatively. "What is to be inferred from it all, your Honor? Either that my brain is at fault or that I have wilfully not told the truth to the jurymen. It seems to me, your Honor, that there is an easy solution to this very painful affair, and that is to obtain the testimony of my *help* who were present from the time Mr. Rochartreau came into the hall until he was helped into his carriage by his two men."

Before the Judge had the time to make any answer, Mr. Smartman rudely broke in, drawing His Honor's attention to the "fact" that to grant "the lady's request" would be to prolong the trial for perhaps several days. That said servants or "*help*" would have to be brought into court, examined and cross-examined. But that aside from all that whether said men were in said room or not had no bearing on the real merits of the case. Their presence or absence did not alter the indisputable fact that the Marquis had been almost murdered in cold blood by his assailant. And so far as

Mrs. Goodly's honesty of purpose was concerned, there was not the remotest intention on the part of the prosecution to attack it."

"If your Honor please," said Sincere, as Mr. Smartman paused, "Mrs. Goodly wishes me to state that she sent for her *help* about an hour ago, and that they are now awaiting your pleasure outside the courtroom. And I will add, with your Honor's permission, that such being the case, the time consumed in taking their testimony would be as nothing compared with the important bearing it would, in my opinion, surely have in behalf of truth and justice."

"Let them be brought before me immediately," said the Judge, entering at once into the spirit of the affair. "I will examine them myself."

The face of the witness turned to a sickly hue in spite of his smile of indifference, and Mr. Smartman sat down angry, like one baffled.

The servants—there were four of them—were soon standing before the Court, the center of all eyes. There was nothing remarkable about them aside from their state of alarm and nervousness. They were simply intelligent, honest-looking women such as are to be found in the great majority of American homes. They were the cook and her assistant and two chamber maids. After being duly sworn, three of them were conducted into the Judge's room. The remaining one, the cook, said in substance, in answer to His Honor's questions, that she and the other girls had come down to court in obedience to Mrs. Goodly's telegram, which, after fumbling with nervous hand, first in one pocket, then in the other, she brought forth in a

much crumpled condition and was handed up to the Judge. Then she went on and said with all the force of an honest woman, that on the day of the "fight" she had heard very loud talking in the reception room upstairs, but that she did not "bother her head about it," because it was nothing new to her. Here Mr. Smartman smiled. That Mr. Toughler was always in the kitchen "a fooling with the girls instead of minding his own business." Here Mr. Smartman frowned and put in an objection which was sustained, and the witness requested to confine her answers simply to the questions put to her. "That the first she knew of the "fight" was when Mrs. Goodly came to the head of the basement stairs and shouted "Helen! Helen!" That she run up stairs followed by her assistant and Mr. Toughler into the main hall.

She was cross-examined by the prosecutor, but her testimony could not be shaken in the least degree. The cook's assistant came next and she substantiated the former's evidence in every important detail, and Mr. Smartman, much to his evident displeasure, had no better success with her than with the other. The chamber-maids were examined each in their turn, and both testified in substance that upon hearing Mrs. Goodly calling loudly for Helen, they both "came arunning down stairs," and that they passed Mr. Bloonder on "the second-story landing" who was "that scart" that he had to be called several times before he came to "his boss' help."

It was in vain that Mr. Smartman tried to induce them to alter their testimony to suit his end in view, and finally, chagrined and mortified, he sat down

looking very hard at the witness who merely shrugged his shoulders as if to say :

"What does it all amount to anyway?"

Mrs. Goodly, after bowing her thanks first to the Judge and then to Sincere, conducted her help as far as the exit, where she left them and returned to her friends who received her with many marks of sincere congratulation over what they considered her "complete vindication." "I shall remain until the very end of the cross-examination," said Mrs. Goodly determinedly to her nearby companions.

Her remark which was quickly circulated among the others, was answered at once with smiles and nods which indicated they were going to do the same.

"I am of the opinion now that that does not leave the prosecution a peg to stand on, so far as the credibility of its principal witness is concerned," said Mr. Pener, earnestly.

"Of course," said David, "there is no doubt about that now."

"Bah, that's all nonsense," mumbled out Mr. Leering after a very hard struggle with his tongue. "What is the evidence of kitchen birds—pot wrestlers—amount to anyway?"

CHAPTER XXII.

Before the spectators had the time to recover from their surprise over what had just taken place, their curiosity was aroused by hearing the defendant's lawyer addressing the Judge.

"If your Honor please," said Sincere, "I desire before proceeding to cross-examine this witness to make a statement which I deem very necessary, not only in justice to my client but also in justice to myself."

The Judge motioned with his head that the speaker might proceed.

"I think you must have observed, your Honor," went on the latter, "that during the direct examination of the witnesses for the prosecution, and especially during the prosecutor's examination of this witness, I did not in any instance interpose a single objection."

The Judge nodded affirmatively. Sincere continued.

"I did not in any way, your Honor, attempt to interrupt Mr. Smartman's many questions no matter how many of them seemed to me, immaterial, incompetent, irrelevant, and leading. I remained passive to all that, your Honor, for two reasons; first, that the jurymen might be better able to weigh the real value of the evidence submitted to them, by not breaking in on their attention, and, second, that Mr. Smartman might feel called upon to observe the same courtesy towards me during my cross-examination of his principal witness."

A faint smile of approval came in the Judge's face as Sincere concluded, and he looked at the prosecutor inquiringly.

The latter did not commit himself. He simply smiled; but it was one of those smiles that fail to hide the bitter feelings that lurk behind it.

Sincere's remarks seemed to produce for him a favorable impression on the minds of the majority of his hearers.

"That was well said—very good—fine," ejaculated Mr. Pener. "Do you know," he went on, turning to David—while Sincere was looking over his notes—"that that puts an entirely new aspect on his method? Depend upon it, he is no fool, and that all those who have put him down as one have simply mistaken straightforwardness for incompetence."

David seemed only too willing to acknowledge his entire approval of his friend's view.

Mr. Leering was dozing quietly.

The witness had by this time assumed the same demeanor which he had exhibited during his direct examination. And when the defendant's lawyer turned to him, a mock-serious expression came in his face, which seemed to say:

"Well, I am ready for you."

"Mr. Rochartreau," began Sincere, in a slow, distinct voice, almost solemn, as he looked straight in the eyes of the witness which did not flinch in the least degree, "have you ever been in a court of justice before this present time?"

"Oh, my no, sir. I have not I assure you," ejaculated the witness, in a way that seemed to denote that he never again wanted to enter one.

"Are you aware that you are still under oath to

tell the truth, and nothing but the truth in this trial?"

"Oh yes—I am—of course," answered the witness smiling.

"Do you know," went on Sincere in a more solemn tone, "that to wilfully state upon the witness stand that which is not true is perjury, and perjury is punishable under the law?"

Before the witness, whose face became serious with a concern any observer could see he did not feel, Mr. Smartman who seemed to have lost his equanimity arose and objected to any such mode of cross-examination. Never in his whole career had he ever seen a gentleman of the witness's standing treated in such an unwarranted manner.

"Mr. Smartman, your interruption is entirely uncalled for," said the Judge, tersely. The prosecutor sat down scowlingly.

The witness in the meantime looked on like an amused spectator at a play.

"Mr. Rochartreau, please answer my question," said Sincere.

"Why, yes—certainly." Then he added ironically, "Of course, *sir*, I am aware of the virtue of an oath, and the consequences of perjury—especially in *this* country." The prosecutor gave the witness a surprised and displeased look.

"The idiot," said Mr. Pender to himself, "he don't seem to have any command over his tongue."

David's face flushed with contempt. The faces of Mrs. Goodly's friends showed plainly the unfavorable effect the witness's superfluous words had produced on them. Mr. Leering still dozed on.

The witness, however, only smiled at Sincere,

and seemed to await his next question with unconcern.

"On what side of the avenue is Mrs. Goodly's house?" asked Sincere, abruptly changing his line of questioning, which seemed to cause the witness to suppose that he had already discomfited the young lawyer and therefore winked with satisfaction at the prosecutor, who seemed in no mood to smile.

"On the west side, sir," he answered, after some deliberation.

"Then the reception room in which you *claim* to have been assaulted——"

"In which *I was* assaulted, if you please," corrected the witness, snappishly, forgetting himself for an instant, "runs east and west?" concluded Sincere, not minding the interruption.

"Yes, sir. You have demonstrated it quite correctly," answered the witness, after a short pause, now himself again.

"By what means did the workman get up on the scaffold?"

The witness seemed to ponder deeply over the question as if it was a problematical one, and then said, like one who has made an important discovery:

"By means of a step ladder, sir."

This caused a slight titter on the part of some of his admirers. Maree, in particular, seemed amused at his wit and as he, the witness, caught her mirthful expression, he smiled broadly at her. A tap of the Judge's gavel restored complete order.

"Where was the ladder situated?" asked Sincere, as if unmindful of what had just occurred. The witness affected to think deeply over the question, then said, "I really do not remember."

"Was it standing on the side of the room opening into the hall?"

"I do not remember, sir," as if with regret.

"It was a common step ladder, such as is used generally in private houses, was it not?"

"Yes, sir, I believe it was as you state," answered the witness, clasping his hands and turning his eyes up to the ceiling with his face full of affected resignation, which caused Maree to bite her lips and place her handkerchief to her mouth to restrain her mirth. An example which Maudie and Louie imitated.

"Was the ladder standing in a perpendicular position?"

"My dear young fellow, men are not monkeys," answered the witness, showing a little impatience for the first time.

"Please answer my question," said Sincere, paying no heed to it.

"No, it was not," came the somewhat spiteful reply.

"Was it is an inclined position?"

"Of course,"—testily—"All ladders when in the proper position for ascending them, are inclined on the step side."

"In what direction was the head or top of the ladder inclined which stood in Mrs. Goodly's reception room on the day of the alleged assault?" "*Alleged assault*," sneeringly repeated the witness.

"Please answer my question."

"I really do not remember, sir."

"Was it standing on the side of the room opening on the hall?"

"I do not remember. You know you are asking

me things that happened five months ago, and my mind is not what it used to be," and the speaker scowled at the defendant.

After a number of more questions of the same nature which met with no better success, to the apparent satisfaction of the witness, and the evident impatience of many of the spectators, Sincere paused as if baffled in his object. Then after a few seconds he asked:

"Mrs. Goodly's work was begun on the sixteenth of July, was it not?"

"No, it was not," quickly replied the witness, glad to be able, it seemed, to flatly contradict the lawyer.

"Are you sure it was not the sixteenth?"

"Just as sure as that you are standing where you are."

"How is it that your memory is so good on that point which dates back seven months, and yet it fails you——"

"Very easily explained," interrupted the witness. "I always make a memorandum of *important* things."

"But you are now speaking from memory—so you cannot be sure of the date?"

The witness who had been growing impatient over the questions in spite of his seeming unconcern, shoved his hand beneath the breast of his coat and drew forth a good-sized memorandum book and proceeded to turn its leaves. Any close observer might have detected a slight indication of satisfaction come into Sincere's face, at Mr. Rochartreau's action, and that he gave a quick inquiring glance at his client who answered it, by a look which seemed to say, "that is the one."

"There," finally said the witness, pointing at an item in his book, and then he read—"Mrs. Goodly's work begun July 15th,—18—."

Then he looked from the examiner to the prosecutor triumphantly.

"Mr. Rochartreau," resumed Sincere, after having again consulted his notes, "On what part of the ceiling was the work which you ordered your man, John Toughler, to wash off, on the day of the alleged assault?"

"*Alleged* assault," again repeated the witness indignantly.

"Please answer my question, sir."

"On the ceiling of the bay window," answered the Marquis, after a moment of hesitation.

"Are you quite sure that Mr. Truart was at work—contrary to your orders—on the decoration which you desired washed away?"

"Just as sure, my good fellow as that you are standing before me," answered the witness, seemingly very much bored.

"Were you looking at Mr. Truart while you were ordering him to desist in his work?"

"Well," exclaimed the other with a show of impatience, "I have been brought up to look at persons when I speak to them."

"Answer the question," ordered the Judge, "by yes or no."

"Yes, sir," testily, "I was looking right straight at him."

"You said in your direct examination this morning, that while speaking to Mr. Truart, you had ascended three or four steps of the ladder?" The witness gave a start, and murmured to himself:

"What, the ladder again?" then he asked with what seemed great astonishment. "Did I?"

"Will you answer my question?" asked Sincere quietly.

"Why certainly. That is—I do not really remember just what I did say on that point," with apparent seriousness.

Here the official stenographer was requested by Sincere to refer to that part of the witness's direct testimony which proved that Sincere was correct.

"Then sir," went on the latter, "the head or top of the step ladder was inclined towards the bay window and naturally the back of your head was towards the rear of the room?" The witness seemed to see the ridiculousness of his further attempt to evade the question, and answered affirmatively.

"So that your face being turned to the east, your left side was to the north, and your right side to the south—that is to say—your right side was turned towards the door opening into the main hall?"

"Yes, sir," answered the witness in a suspicious and reluctant manner, which for the moment made him look serious. At this point of the cross-examination, Sincere paused only long enough to hand the witness the photograph, in evidence.

"Do you recognize in that photograph," he resumed, "a faithful picture of the scaffold and ladder as they stood in Mrs. Goodly's reception room, before the alleged assault?"

"*Alleged* assault," once more repeated the witness, this time in a loud, angry voice.

"Please answer my question."

"I recognize nothing in this but a photograph."

"Please turn it over and read what is written on the back of it."

"Ough!" ejaculated the witness, shrugging his shoulders after having read Mrs. Goodly's certification with seeming indifference.

"Now, sir," asked Sincere, "will you swear that to the best of your knowledge and recollection the photograph you hold in your hands is not a faithful representation of——"

"I will swear to no such thing," interrupted the witness, now really excited. "Except," he added sneeringly, "that to the best of my knowledge, it is beastly done."

A reprimand from the Judge made the witness look unfeignedly serious, as well as silencing the slight commotion among the spectators, caused by the latter's answer.

Sincere repeated the question, and as the witness handed back the photograph, he said, resuming his former demeanor:—

"Well, yes; it seems to me it does look something like them."

As the defendant's lawyer replaced the photograph in its envelope, the witness looked around him like a man who is completely satisfied with himself.

CHAPTER XXIII.

That the cross-examination of the Marquis had thus far proved disagreeable to the prosecutor was quite evident by his restlessness and the annoyance depicted on his countenance.

The greater part of the lay-spectators, however, could see no sense in the questions of the defendant's lawyer, and weariness was plainly observable in many faces. But the interest of all was again suddenly aroused as Sincere deftly lifted the covering from the miniature scaffold and maniken, leaving them exposed to the unobstructed view of the witness.

The latter did not seem surprised at what he saw ; he smiled as if amused at them for a moment. But when after scrutinizing the different objects he recognized in one of the little figures a counterpart of himself, his face flushed and paled with mortification.

Those of the spectators who were near enough to enable them to see the very striking resemblance between the two, smiled very broadly, which caused the Marquis to scowl with resentment. His scowl deepened as Sincere, after having scanned his notes turned to him :

"Do you place implicit faith in Professor Fake-huff as a physician?" he asked.

Mr. Smartman looked sharply at the witness—his look might have been taken to mean : "Be careful what you say!" and some of the lawyers among the spectators stared at the Marquis as if with anxiety

over what the nature of his answer would be. But the Marquis was too much occupied with his feelings of injured pride to notice anything of this.

"I certainly do," he exclaimed angrily. The lawyers smiled at the reply, agreeably or disagreeably, as their sympathies inclined them; but it actually seemed to cause the prosecutor to suffer in mind and body.

"That was fine! Sincere is in great luck!" ejaculated Mr. Pener. "Wait, wait!" he added before his friend could speak. "Listen to the next question." Mr. Leering was still dozing.

"Then," went on Sincere, "you would place implicit faith in what the professor might say of matters pertaining to his profession?" and as he spoke he placed the facsimile of the witness on the step-ladder. The action seemed to still more incense the Marquis.

"Yes!—absolutely yes!" he exclaimed. The witness was now asked to explain to Judge and jury—supposing the two little figures to be endowed with life—how the one standing on the scaffold could inflict on the one standing on the ladder, his head being a few inches below the flooring of said scaffold, "a contusion on the under part of the former's head—or one under the chin? or——"

"I do not care a fig for your Punch and Judy show!" cried the witness in a rage. "Ask that scoundrel there!" pointing to the accused whose smile of contempt seemed to exasperate him, "and he can tell you!"

"But," went on Sincere, not taking the least notice of the other's outburst of temper, "your assertions as to the manner in which you received your

injuries have been flatly contradicted by your family physician——”

“I care nothing! absolutely nothing about the contradiction of my family physician!” broke in the Marquis, “He was not there! *I, I* was there—I was the one assaulted! And *I know* where and how my would-be murderer struck the blows!”

Sincere paused as if nonplussed by the answer; and as he glanced over his notes, a gleam of satisfaction darted from the eyes of the witness.

“Mr. Rochartreau,” again began Sincere, “when you started to ascend the ladder, on the day of the alleged assault——”

“*Alleged* assault!”—once more repeated the witness with the utmost contempt——“you were in a state of exasperation, were you not?” concluded the defendant’s lawyer, not minding the interruption.

“No!—Well I do not remember.”

The stenographer’s notes proved that the witness had so sworn and he frowned deeply.

“Did not your feet, owing to your *exasperated* state of mind—when you attempted to “rush up the ladder,” continued Sincere at the same time illustrating with the witness’s miniature, which he held by the back of the neck—“slip through, between the fourth and fifth steps in this manner—barking and bruising your right leg from the heel to the knee pan? and——” “No! no! no!” broke in the Marquis furiously——“and,” went on Sincere, “bringing the under part of your jaw and chin in violent contact with one of the upper steps, in this manner?” and the speaker in harmony with his words banged the head of the figure down on the step.

"No! no! never!" shouted the witness, now almost beside himself at seeing some of the spectators, and even Mr. Smartman, smile at the act.

"Your insinuations are infamous! baseless, insulting!"

"And you, losing your hold," continued Sincere, still holding the figure, "on the side of the ladder, fell backward—this way—striking the under part of the back of your head on the projecting end of this one of the cross-timbers supporting the flooring of the scaffold, so——"

"No! I'll swear a hundred times, no! I——"

"And the ladder careening towards the south wall, your body swung around the opposite way, striking your shoulder and arm and ear with great force against *this one* of the perpendicular supports of the scaffold, *so*—and then you fell to the floor, striking the corner of the muffled picture frame that stood against said support, which caused the contusion over your left eye?" and as the demonstrator concluded he flung the little figure to the supposed floor of the room.

"No! sir. No!—Your talk is all mere speculation! There is not one word of truth in it! I repeat that your insinuation is infamous, baseless, and insulting!

"Then you still insist, in spite of all that has been shown to the contrary, in maintaining under oath that it was Mr. Truart that inflicted the injuries found upon your body on the day of the alleged assault?"

"I *insist*," cried the witness in a manner and tone of voice which indicated that he felt he had gained a complete victory over his examiner—"that you

have shown me nothing! and that your scoundrelly client tried to kill me!—*me*, I who had been as a brother to him!” and he gave the accused a glance of bitter hate.

Sincere remained silent for a few seconds as if deliberating seriously how to proceed; and the witness again putting on his peculiar smile, looked around at the spectators as if he was indeed convinced that he had completely discomfited the young lawyer. But his smile faded away as he noticed, not without surprise, that the looks which met his, were cold and seemed to express feelings not at all in sympathy with his own. He turned to Mr. Smartman with an inquiring expression on his face, but the latter's features were hard and set as if with repressed anger.

“How old are you?” asked Sincere of the witness at this moment.

The question was so unexpected by the Marquis that it seemed to take away his power of speech for several seconds; then, with unfeigned astonishment, he cried spitefully: “What has my age to do with this trial?”

“You are not here to ask questions, but to answer them!” said Sincere quietly.

“And you are not here to insult people with——”

“Answer the question,” said the Judge peremptorily.

“But your Honor,” cried the witness in a tone that was almost pleading, while his face denoted the mortification he felt. “I am not on trial! I who have been nearly killed by the young scoundrel—I am treated like a criminal! What right, your Honor, has this man”—pointing at Sincere in a loathing

way—"to ask *me* such impertinent questions which have nothing to do with the trial? It would not be tolerated in any other country!"

"It is a shame! a down-right shame!" cried a voice from among the spectators at this moment, in almost hysterical tones. All eyes were instantly turned towards the person who had had the courage to thus interrupt the proceedings. It was Maree.

"Please escort that young woman from the courtroom," said His Honor to the officer. But before the latter could execute the order Maree sprung to her feet, and followed by one of her companions, hurriedly made for the door swinging her long trailing skirt violently from side to side to show her indignation.

"I think Maree is just putting on!" declared Maudie, who, with Lizette, had remained behind.

"The idea!" exclaimed the latter quite put out. "*She*, going on like *that* over a married man! *She* is too silly for anything!"

"Well, anyhow, I'm not going to lose my fun for *her*. *You know* she made me lose my matinee to come here with her!" poutingly said Maudie as she put in her mouth the last one of Maree's candies.

"Well I guess I'll go," mumbled Mr. Leering, in a thick, sluggish voice, who had been brought out of his doze by Maree's exclamation and the consequent commotion around him. But he found himself even less able to stand on his legs than at his former attempt. A smirky, silly grin came into his countenance as he gave up any further attempt in his intention and dropped helplessly into his chair.

"He is a disgrace to his profession," said Mr. Pener.

"It is very fortunate for him the pillar hides him from the Judge's view," said David in disgust.

"Sir," said His Honor, after order had been restored, addressing the witness, who had assumed all the appearances of a man who believes himself very much injured.

"You yourself laid the ground during your direct examination, for all the questions thus far put to you by the defendant's counsel. Mr. Sincere has the right to sift and probe in a most searching manner, if he so chooses, all the information you gave to Mr. Smartman for the edification of the jurymen, in order that he—Mr. Sincere—may endeavor to show them just how much credence they—the jurymen—ought in their opinion, to give said information."

The witness's demeanor seemed to denote that he comprehended his real position for the first time, and he stared at Mr. Smartman as if to say, "Why did you not tell me this before?" The prosecutor bit his lips and frowned, and directed his eyes to the floor.

"How old are you?" again asked Sincere.

"I am just forty-five," answered the witness snappishly.

"Are you positive of that?"

"Positive!—why certainly—of course—so far as one can be!" and he again put on his peculiar smile.

"What proof have you of that?"

"What proof have I? Well, now what proof have you or any one else besides what has been told him?"

"A birth certificate, or a baptismal one," said Sincere.

The witness gave a start and his face grew grave; this lasted but a few moments and his smile returned, as he said:

"Well now, you don't expect that every man carries his in his pocket!"

Sincere remained silent. The witness seemed to ponder over the question for a few seconds, then he gave, in a sing-song way, not only the year of his birth, but the month, the day, and even the hour of it, concluding with:

"Of course I give you this information to the best of my recollection of what my certificate says!"

"Really," said the law student at this juncture, to his companion who had too much good taste to even smile at his words. "I am not able to decide for myself which are the more silly of the two—the questions or the answers! But what an abundance of patience the Judge has!" he added

CHAPTER XXIV.

Sincere's manner now suddenly changed. He became animated with a spirit of word and action that no one imagined he could possess. He took up the testimony to the witness relating to his college life; his time spent in his artistic studies; his travels in Italy—France—and England. He sifted it all to the very bottom in a way that bewildered him and astonished the spectators and above all the prosecutor. He beat the witness, so to speak, without mercy; he forced him, with His Honor's help and the stenographer's notes, and in spite of Mr. Smartman's many interruptions to give the number of years, months and days which he spent in accomplishing all that he had sworn to; and then, looking contemptuously at the now confused witness he cried in louder voice:

"To have accomplished all you have claimed, in Europe and in the United States, you must be at least—according to your own figures seventy-five years old!"

Sincere paused in order to re-adjust his notes, and Mr. Smartman took advantage of it to address the Judge, protesting against such a mode of cross-examining, in rather meek tones, which however, waxed louder and fiercer as he progressed. He declared with seeming virtuous indignation, that it was a very well known trick—a trick unworthy the sanction of Courts—Tap! tap!—came from the Judge's gavel—but the prosecutor went on—to first make the witness angry by putting insulting ques-

tions to him, and then, while in such a state of mind, confound and entangle him with figures!

Those who knew Mr. Smartman professionally, could not help smiling, amused at hearing him expostulating against an evil practice of which he himself was a well-known master of.

"What is fresco?" asked Sincere of the witness, after Mr. Smartman had resumed his seat, frowning over a rebuke from His Honor. It only required the defendant's counsel a few seconds to show to the surprised hearers that the witness hardly knew the first principles of the art! "Nine out of ten," interjected the irrepressible prosecutor, "make use of the term fresco to designate any large painting done on the easel, ceiling, or wall!—" Tap! tap!—"And a perusal of any of our magazines devoted to art will show I am correct!" The witness nodded affirmatively.

"Mr. Smartman, this is the third or fourth time you have unnecessarily interrupted the cross-examination. Please do not let it occur again!" said the Judge.

The prosecutor bit his lips with vexation.

Then Sincere proceeded to rapidly and skillfully show to the jury and all, that the witness's knowledge regarding the different methods of painting was very limited and that he knew next to nothing concerning the philosophy of color. He did not know why "black is black?" nor why "white is white?" He was not aware that solar light "is composed of red, blue, and yellow rays! which, falling on matter having the properties in itself of absorbing them entirely made that matter appear black to the eye! And that those same rays falling on

matter having the properties in itself of reflecting them entirely, made that matter appear white!" He did not know that the three colors—red, blue and yellow, consequently, mixed together in proper proportions, made black! Then Sincere began to dissect the assertions of the witness about the many rooms he had decorated with his own hands in some of the grandest palaces of Europe. After much confusion of dates and many contradictions in the manner of execution, he finally admitted that he had hired specialists to execute the principal parts of his compositions, confining himself chiefly with getting up the designs for them.

"One of those designs," asked Sincere in a loud voice—"the one you pretend to prize so highly was, as you have alleged taken from your studio?"

"I have pretended, I have alleged nothing!" exclaimed the witness in a rage. "I have said, and I now say it again, that the design was deliberately stolen from my place of business by the same young villain who tried to murder me in cold blood!"

"Would you know—recognize, the design in question, if you saw it again?"

"As a father would know his own child!"

Hardly was the unqualified assertion out of the witness's mouth when Sincere handed him a small rolled up paper.

Mr. Pener, and especially David, bent their heads forward with curiosity. The witness took the paper eagerly. He quickly unrolled it and seemed, actually, to gloat over it:

"Yes, yes," he exclaimed, admiringly, "this is my own design; stolen from its frame now at my studio——" A smile of vindictiveness came sud-

denly in his face—"see! gentlemen of the jury! See for yourselves!" he exclaimed, as he, with one hand held it towards the foreman, while with the index finger of his other hand, he pointed dramatically at the lower margin of it.

"See!" he repeated louder than before, "there is my signature partly rubbed off and the young villain's name written over it!" and the witness stared at the jurymen, and then at the spectators as if to say, "was such a piece of rascality ever known?"

It was easy to be noted that many of the spectators believed that Sincere had committed a serious error in thus bringing up again the question of the design, which in their minds had only resulted in confirming the defendant's guilt regarding it. Many eyes were directed on the latter, curious to see what effect this new evidence would have upon him. He only stared scornfully at the triumphant witness.

"There's where the little sneak has put his foot in it!" yawningly muttered Mr. Leering, striving very hard to keep his heavy eyelids open. "Who'll take the word of your thoughtless boy now, eh?"

"I am very much afraid Leering is right, notwithstanding his condition," whispered David to his friend, anxiously.

"I think you have no good reason for any such fear. Sincere is not going to jeopardize all his splendid work by any haphazard action!" said Mr. Pener, a little impatient. David said nothing more on the subject.

"In my opinion, Sincere has made a bad move!" said the law student, not without self-importance, to his near by companions, whose looks denoted

their anxiety over the outcome of the last incident. "A very bad move!" he repeated. "For what may have been a doubt, may now have become a certainty in the minds of the jurymen. It will take some pretty clever argument on Sincere's part, to convince the jury of his client's innocence on the point in question; and I am sorry to say, I think the defendant's counsel is lacking in that potent gift. Failing to prove his client's innocence of the ugly accusation, what good will it do the latter to go on the witness stand in his own defence? Who will believe the word of a self-convicted thief? It is another illustration, my friends, of not knowing how to let good enough alone!"

"It was indeed very unfortunate, it seems to me!" said Mrs. Goodly, sadly; for she had been watching the features of the jurymen as they in turn had examined the signature on the design and her deductions were not at all favorable to the accused. After the design had been handed to the prosecutor and Judge and had been inspected by them, the first with a surprise not free from suspicion, and the second with imperturbation, it was handed again to the witness.

"When did you execute the design which you now hold in your hand?" asked Sincere, indifferently.

"Let me see?"—musingly—"It was the last room I painted for the Countess of——before leaving Europe to come to this country—say about sixteen years ago!"

"Are you certain that you composed and painted that design?" said Sincere as if he attached little importance to the question.

"Did you not see part of my name in my own hand writing on this design?" the witness asked sneeringly as he again unrolled it and pointed to the signature.

"Now Mr. Rochartreau," said Sincere, fixing his eyes searchingly on those of the witness, which, however, did not quail; "did not my client himself make that design, taking the ideas from a French print in your possession, and at your suggestion, treat it to make it appear as an old design?"

The witness seemed to gasp at the enormity of the insinuation the question contained, and looked reproachfully at the prosecutor.

"If your Honor please," cried Mr. Smartman, as he quickly arose to his feet, "I appeal to you, that this has gone far enough. You objected, your Honor, to admitting in evidence anything connected with the design in question, and——"

"One moment, Mr. Smartman, if you please——" said the Judge at this point, then turning to the defendant's counsel—

"What is your object in introducing the design, Mr. Sincere?"

"My object," said the latter quietly, "is to show that this very design is directly connected with the first quarrel which took place between the witness and my client! If I fail to prove my assertion, I will with your Honor's permission, go no further with this trial!"

"Proceed, Mr. Sincere," said the Judge.

The prosecutor sat down looking very angry and perplexed, and the spectators were again wrapped in the most curious attention.

The witness assumed a demeanor of determination and defiance!

"I trust the defendant's counsel is not losing his head," said the law student, with a wise smile. "It seems to me his promise is a very wild one"

"Oh, I do hope he will succeed in redeeming it," said Mrs. Goodly, "from the bottom of my heart."

"Do you think Sincere will be really able to clear my friend from the odious charge?" asked David looking anxiously at his friend. The latter squeezed his arm assuringly.

"Clear nothing!" mumbled Mr. Leering, after several efforts to force his tongue to do its work.

"Do you still maintain," resumed Sincere, "that the design in your hands, was composed and executed by yourself, sixteen years ago?"

"Yes, I do! And I dare you or anybody else to prove the contrary!"

"That design is drawn and painted in perspective, is it not?"

"Yes, it is!"

Then Sincere, in a very short space of time, made it evident to all that the witness's knowledge of that branch of the science of projection which treats of linear, angular and aerial perspective was very imperfect indeed, and also that his knowledge of the system of water color painting as applied to paper was very meagre.

"And yet," said Sincere, with contempt in his voice, "you have the temerity to sit there under oath and assert that that design is a creation of your own brain and hand!"

The witness, however, smiled defiantly as if thor-

oughly convinced that his assertion could not be disproved.

"And that man posed as an artist!" was all David could say, he was so amazed at the man's apparent audacity.

Mr. Pener made no remarks, he simply bestowed on his friend his meaning smile.

"Please hand that design to His Honor," said Sincere to the witness.

"If your Honor please," he went on, after the design was in the Judge's hands, "before asking you to admit that design in evidence, I respectfully ask you to hold it up between your eyes and the light of the window, and to observe, if you please, what the water mark in the paper indicates."

Never were spectators more interested and curious than were all those that at this moment breathlessly watched what was taking place before them and saw the Judge, after doing as requested, give back the design to the defendant's counsel with a nod of approval.

"Please let me see that design," cried Mr. Smartman unceremoniously, as he took it from the willing hands of his opponent. The prosecutor also held it up to the light and beheld the water mark. He gave the witness a hard, perplexed glance and actually threw the design down on the table before Sincere. Then he sat down and gazed at the floor.

Sincere's cheeks flushed scarlet with indignation at the prosecutor's rudeness. He took up the design, however, without the least show of resentment, and facing the witness, said in a loud voice—"This design—the paper—bears the water mark of a celebrated English firm which shows beyond

any doubt that it was manufactured only two years ago."

"I know nothing about your water marks," exclaimed the witness as if he hardly knew what he was saying. The design is mine. It was stolen out of my studio.

While the witness was speaking, Sincere gave the design to the foreman and then awaited silently until all the jurymen had in turn seen the water mark.

"What you have seen for yourselves, gentlemen," said Sincere, after the design was again in his hands, "was discovered by my client in a most unforeseen manner. As he attempted last night, to take the frame, in which the design was, down from the wall, it slipped through his hands and fell to the floor, causing its glass to be broken to splinters. His first thought, naturally, was to see if the paper had been damaged in any way by said splinters. He held it up to the light, just as you have done; he saw no damage gentlemen, but he saw the water mark."

The Marquis, regardless of the very unfavorable impression that the incident had made, evidently, on the majority of the spectators towards himself, shrugged his shoulders and tried hard to appear unconcerned over it. He turned his eyes from the sombre faces of the former and tried to smile away Mr. Smartman's frown in which he failed.

"I may be mistaking in the date," he volunteered in a senseless sort of a way. Sincere gave no heed to him but once more gave his attention to re-arranging his notes.

"Do you see now how Providence permits things to shape themselves? But look at your friends over

there, especially Mr. Editman, and see how pleased they seem," said Mr. Pener to David.

The latter more than pleased himself, over what he considered, his young friend's vindication, did as requested. "Thank heavens," he said to himself fervently.

CHAPTER XXV.

Sincere stood once more face to face with the witness.

"How did you become acquainted with my client?" he asked. The Marquis showed no disposition to answer the question.

David was all attention now, because he had never been able, much to his annoyance, to discover the reason why Truart had left him.

After the question had been repeated he—the witness—replied in a very vexed way:

"Oh, he applied to me for work."

David's countenance denoted how much the nature of the answer disappointed him.

"He, he," chuckled Mr. Leering, maliciously. "That's how!"

"Are you sure he applied to you for work?" asked Sincere as he, at the same time, selected a letter from a package of papers which the defendant had just passed to him. The witness did not answer.

"What agreement did you make with Mr. Truart?"

"Oh, the same as I might make with anyone applying to me for work," the witness replied, after a pause, in an evasive, angry manner.

"Please answer my question."

"Must I expose all my business here in court? Is nothing then sacred in this country?" cried the Marquis appealingly to the Judge.

Before the Judge could speak, Mr. Smartman once more sprang to his feet, and as if inspired

by the witness's words, tried hard and eloquently to convince His Honor that a business man's transactions and agreements with his employees were sacred matters; and that the whole question should be stricken out. But Sincere in comparatively few words showed satisfactorily to the Judge that this very question was directly connected with the cause of the first quarrel and it was therefore permitted to stand.

"Well," exclaimed the witness with renewed anger, "I was to give him one-half the profits of each contract of decoration executed by him."

David's face grew very serious.

"Were not those very generous terms to offer a young man who was a stranger to you?" asked Sincere.

"Oh I had seen his work and knew what he could do. But I did not know his temper." Tap, sounded the gavel.

"The witness must confine his answers to the questions asked," said the Judge.

"Now Mr. Rochartreau," resumed Sincere, "as a matter of fact, you had no intention of giving the young man anything of the kind. You merely held out those generous terms to him in order to induce him to leave the artist under whom he was about completing his studies?"

The witness at this point lost entire control of his temper. He leaned forward in his chair and protested against the low insulting insinuations of his cross-examiner. His voice was loud and harsh. His words seemed to arouse again Mr. Smartman's aggressive spirit who made another excited appeal to the Judge, declaring as he had done before, in

substance that the methods of the defendant's lawyer were objectional in the highest degree; and that the question "had no foundation in fact."

"One moment, Mr. Smartman," said Sincere, as the prosecutor paused to take breath, "If I do not prove right now all that my question conveys to the average intelligent mind, I will myself ask His Honor to have that question stricken out," and the speaker, after the Judge had permitted the question to stand, taking the letter referred to, turned to the witness:

"Here is a letter written about two years ago"—opening out the sheet of paper—"bearing the printed title of 'M. Jaques Rochartreau's Salon of Antique and Modern Art.' Look at it"—holding the paper towards the witness—"and state if you wrote its contents?"

The Marquis took it from the lawyer's hand in a nervous manner, looked it over, his eyes showing the surprise and anger he felt, and then gave it back, rudely, saying evasively:

"It looks like my writing, but I will not swear that it is!"—(Mr. Smartman bit his lips in anger.)

"Will you swear that it is not your own hand writing?"

"How can I swear to such a thing?"

"Come, Mr. Rochartreau—do you swear, yes or no to it?"

"I refuse to answer—to swear either way," said the witness determinedly.

"Very well," said Sincere, and passing the letter to the Judge, offered it in evidence.

"Please let me see that letter," cried the prosecu-

tor after His Honor had perused it and had given it back to Sincere.

Mr. Smartman took it roughly, read it through, and then vigorously objected to its admission, "in any shape or form."

But the Judge overruled all his objections, and the prosecutor sat down heavily, growling out another "exception."

"Please read it to the jury," said Sincere, again holding the letter out to the Marquis, after the stenographer had marked it as "Exhibit two."

"I refuse to take it!—I refuse to read it! It is not fair! It's not justice!" loudly ejaculated the exasperated witness.

"I will read it for you then," said Sincere, who, after giving the locality of the "Salon of Modern and Antique Art," and the month, day and year, read as follows:

Mr. Paul Truart, Artist.

My dear Mr. Truart:—You will, I know, be very much surprised at receiving this letter from me after your refusal of my offer to you the other day. But I have been making inquiries about you and I am more than ever desirous to have you in my establishment. I like your style of work, and I am sure it would prove very beneficial to us both to be together. I am sure we could do grand work—we could beat anything in the country! Your scruples about leaving your friend do you credit of course, but show what little experience you have in the business world. You should not let such Utopian thoughts stand between you and your promising future. I am sure your friend would not hesitate

one moment to drop you if his money interests demanded it! *Business is business*, and you must learn to look out for *yourself*. Besides all this, think of the duty you owe to your family! I have heard, too, that you are to marry a very estimable young lady; this alone should spur you on to secure as soon as possible an adequate competence to ensure your future wife a happy home. Can you secure such in your present position?

Now I make you this, my last offer. I am willing to give you one-half of the profits made on every job of decoration executed by you and me together. Do you know what that means? It means plenty of work and plenty of money for you and your family and the establishing of your artistic reputation among the richest people of New York! Now, my dear sir, do not fail to take advantage of this offer but come and see me at once. You will be just like your own boss. Remember, Fortune only knocks once at each person's door!"

Yours very truly,

Jaques Rochartreau.

"So," exclaimed Sincere as he refolded the letter and placed it on the table, "When you testified that my client, Mr. Truart, had applied to you for work you did not state the truth."

The eyes of the Marquis could not resist those of the lawyer, he directed them to the floor as he said, with a poor attempt at indifference:

"Oh well, I had forgotten it—my memory is not very good—since the beating I received—"

"The scoundrel! The villain! exclaimed David beside himself with indignation. His whispers were

so loud that Mr. Pener thought it prudent to remind him of his surroundings.

"Oh, I knew the boy was loyal to me, Pener. It was only by working on his feelings for those he loved that induced him to do as he did."

"It was very fortunate," said Mr. Pener, "that he saved the letter."

"Yes, it was," said David, who gave the sleeping Mr. Leering an angry glance.

All the rest of the spectators, however, did not regard the letter in the same light that David did. To some, especially the women, it appeared as nothing more than the forgotten, well-meant inducement held out by a generous, experienced artist towards a young painter in whom he thought he saw great possibilities in the world of art, which naturally aroused their sympathies for the author of it; while to others, especially Mr. Rochartreau's business friends and acquaintances, it appeared as a very serious mistake not at all in harmony with what they considered legitimate business tact.

"It seems almost incredible to me that a person as shrewd as Mr. Rochartreau is said to be, should be so forgetful," observed Mrs. Goodly deprecatingly.

"As incredible as it may appear to you, my dear madam," volunteered the law student. "It is a weakness of the lay mind that is often displayed in courts by men and women of well-known respectability. I dare say that there are more suits lost at law owing to this forgetfulness, than to anything else."

"Nevertheless," said Mrs. Goodly, "it seems to me that had I written such a letter, I would remember it under the circumstances."

"I have no reason to doubt that, madam. But I assure you that there are those—and many of them—who write letters and forget them in an incredible short space of time. So well known is this fact among lawyers that they make it a rule never to write any letters of a compromising nature. In my opinion the witness is one of the former."

"How long was it after Mr. Truart became connected with you," resumed Sincere at this moment, "before you had the first quarrel with him?"

"I *always* had trouble with him—from the very first job," answered the witness, looking spitefully at the defendant.

"Will you please state the cause of that trouble?"

"His conceitedness! His mulishness! His abominable temper!" ejaculated the Marquis, in a rage.

Sincere glanced at his notes for a second or two.

"When did you and Mr. Truart decorate Mr. Softer's house?" he asked.

The witness started in genuine surprise. He did not answer at once; then he exclaimed:

"What has Mr. Softer's house got to do with this trial? The assault on me was not committed in his room."

The answer aroused the prosecutor to declare that the question was inadmissible as no mention whatever had been made of any house in the indictment save that of Mrs. Goodly, in which the terrible assault had been committed by the defendant on the witness."

But the question was allowed to stand, much to Mr. Smartman's annoyance, and the repressed rage of the witness.

"I do not remember—my memory is not very good—" said the latter after a pause.

"Do you remember that you *did* decorate it?"

"Oh yes—of course I remember that."

"Was not that the work that you and Mr. Truart executed together, and which was completed about a week before you commenced work in Mrs. Goodly's house?"

"Yes,—I believe so—"

"Are you not positive of that?"

"My memory is poor—since the terrible assault—my recollection is not what it used to be," answered the Marquis, almost plaintively.

"Did not the first quarrel between you and Mr. Truart take place on account of Mr. Softer's work?"

"I do not remember—so many of them took place," replied the witness, as a sickly smile came in his face.

"Well," said Sincere, "here are two papers which will refreshen your memory,"—then turning to the Judge—"they are both in the same hand writing, and written on the same letter heads as Exhibit two. I offer these in evidence, your Honor."

Mr. Smartman again protested vehemently against the admission of such papers. He declared that they were private business communications, and that that ought to exempt them being made public.

But in spite of his protests, they were soon marked as Exhibits three and four.

"It is my opinion, David," said Mr. Pener, "that Mr. Smartman is losing his head." The other looked at him in surprise. "His late objections

sound to me more like the grumbling of a school boy."

"I refuse to take them! I will not read them!" cried the Marquis hoarsely, as he waved the papers away which Sincere held out towards him.

"Very well, I will read them for you," said the defendant's counsel, and taking the longer paper of the two, marked Exhibit three he read:

"My dear Truart:—I must admit that I should have kept my temper; but I was so upset with business troubles that I hardly knew what I was saying. It was, however, our first misunderstanding and I sincerely hope and trust it will be our last one. I know the profits on Softer's work are not very large and that you have not made as much money as I expected you would. But can I help that, my dear fellow? You are too easy with the men. You must make them work harder; that is the only way to make the jobs pay. Now if Softer wasn't such a stingy old fellow, I might get something extra for you out of him; but he is as hard as flint, and as I told you he beat me away down in my contract. However, if you insist upon it, I will give you some of my share. This I know is not business, but with me it is a matter between artist and artist. Now I do not want anybody to know this. And besides I do not want to have anything on my mind to reproach myself for. *Inclosed you will find the memorandum* I gave you yesterday, which in your great anger you threw on the office floor. You should learn to have more control over your temper. But you are young and warm-blooded, and therefore excusable. In conclusion, I say from my

heart, my dear Truart, let us work together like brothers. Money, after all, is not everything. We owe something to our noble art. Besides, if we lose on one job, we will make it up on another one. As I have told you already, and I repeat it here, I am getting on in years and I am, believe me, working more for your artistic future than for mine. Now don't be foolish and do anything rash. Come to see me at the office in the evening and we will fix things up satisfactory to both of us.

"Your true friend, in haste,

"Jaques Rocharteau."

Sincere did not make any comments on the contents of the letter. "This paper, gentlemen of the jury," he said, holding up Exhibit number four, "is the memorandum mentioned in the letter I have just read to you." Then he read as follows, in a louder voice:

"Amount of Mr. Softer's contract, seventeen hundred and fifty dollars. Amount expended for work for men and materials, scaffolding and cartages—one thousand two hundred and twelve dollars and thirty-five cents. Balance or profit on contract, five hundred and thirty-seven dollars and sixty-five cents. Amount due Truart as one-half of profits, as per agreement, two hundred and sixty-eight dollars and eighty-two cents."

The preponderance of the spectators, who had been very favorably impressed with the contents of the letter, could not see anything irregular in the memorandum, and in fact, it only seemed to add to their sympathy for the apparently suffering witness.

"Mr. Rochartreau," began Sincere once more, "are the figures in this memorandum correct?"

"Oh, I do not know—I do not remember," said the witness hesitatingly.

"Will you swear that you did not know if the figures were correct at the time you wrote them in this memorandum?" and he held the latter towards the witness so that he might see the figures.

"I do not remember, I tell you," answered the Marquis, almost whiningly.

"How much did you receive for decorating Mr. Softer's house?" asked Sincere.

The question seemed to stagger the witness. His face grew very pale. He looked like a man on the verge of collapse. What a shame, thought some of the spectators, for the Judge to permit of such an outrage. The law ought indeed to be changed.

"Will you answer my question?" went on Sincere, in what was regarded by those just mentioned as a "heartless manner."

"Must I expose all my private business in court?" cried the witness, after an evident struggle to regain his speech.

"Your memorandum says seventeen hundred and fifty dollars," said Sincere in the same cold way.

"Well—if it says so—it must—must be correct," stammered the witness after a pause.

"So, then, when you gave said memorandum to Mr. Truart," went on the defendant's counsel, "you were acting towards him in good faith?"

"Oh, yes, yes," answered the Marquis, like a man whose main object is to get through with a disagreeable subject and keep his temper.

"As an honest man acts towards another honest man?"

"Yes," replied the witness almost inaudibly.

"Please speak louder," said the Judge to the latter, "so that all the jurors may hear you."

"Oh yes, yes," repeated the witness, after a remarkable effort to keep calm.

"How many weeks did it take to complete Mr. Softer's work of decoration?"

The question seemed to startle the Marquis; the fire in his eyes denoted the rage that it aroused in him, but he managed to keep it under control. It was only after several evasive answers and a reprimand from the Judge that he said:

"Well, about four months."

"So that Mr. Truart received in all," asked Sincere, reading from his notes—"for his four months' labor one-half of the profits; that is—two hundred and sixty-eight dollars and eighty-two cents—or something like sixteen dollars per week?"

"Poor fellow! Poor boy!" ejaculated the artist.

"He should have attended better to his business; he should have looked after his men," said the witness. Then he added in a whining voice: "He received just as much as I did. And as you know by my letter, I offered him some of my share only to save trouble on his account."

"Ah," uttered Sincere, as he proceeded to take another letter from his package of papers.

"The scoundrel!" muttered the artist as he gazed at the Marquis who now had the appearance of a man trying hard to put on a bold face. "The thief! Why Pene, I pay my unskilled labor—mere helpers—more than that."

"Mr. Truart came to see you as you requested, did he not?" began Sincere.

"Yes, I believe he did."

"And you kept him waiting until all your employees had left so that there might not be any person to hear what might be said between you?"

The witness shrugged his shoulders as if in disdain. "I kept him there until I was ready to see him—that was all," he said.

"You had another quarrel—in your private office this time—did you not?"

"Oh, I do not remember just what did take place," returned the witness pettishly.

"Well, here is a letter which I trust will remind you of what *did* take place," said Sincere, holding the paper up before the Marquis. Then he passed it up to the Judge.

"I offer it in evidence, if your Honor please." Again the prosecutor protested hotly against permitting private documents to be made public. And again he sat down taking an exception.

The letter was soon marked Exhibit five, and Sincere read it, so that not one word was lost to his attentive auditors.

"Dear friend Truart:—

"I hardly know how to begin this letter. I never in my whole life suffered so much in mind and body as I have since our unfortunate misunderstanding of four or five evenings ago. I admit that I had no right to treat you as I did; but I was very much upset over some business troubles and I really did not know what I was saying. I want to be just and honorable with you, as I have always

been with my fellow beings. You seem of late to doubt my good intentions and integrity. You said as much when you threatened to lay the matter before Mr. Softer and to even consult a lawyer. How little you know the world, my dear Truart. My customers would only laugh at your knowledge of business methods, and as for the lawyer—lawyers are all thieves—he would only get you in all sorts of trouble. Besides a lawyer would cost you a lot of money and you have none, I am sure, to throw away in that manner. If I did not like you I would not take the trouble of writing to you in this way. You know I can get many men to do my work. I have applicants every day for it. But my wife is very much interested in your artistic future as well as in your prospective marriage, and that, you must know, goes a great ways with me. Your greatest fault is your hot blood, but you will of course, outgrow that. Now listen how you have misjudged me: First let me remind you that you have borrowed from me, during the last winter, in small sums, eighty-nine dollars, and ten cents; about which I had forgotten the other evening, but which my bookkeeper reminded me of the next morning. Consider that paid! Now you owe me nothing. Now, my young friend, let me inform you that I have, after much work and trouble, succeeded in securing a grand job, from no less a person than Mrs. Goodly. I am getting a good price—*three thousand dollars!* and I can now afford to let you make up for your losses. Now pay attention. I am willing to give you two thousand five hundred dollars to do the work! I don't think five hundred dollars is too much for my share, when I must

take all the risk and advance the money, do you? All I will require of you is to please my customer, whom you will find very easy to please for she, like her husband—does not know the first thing about art. If you do not make fifty or sixty dollars per week it will be your own fault. Now, if after all this you still think it worth your while to trouble my customers with your private affairs, I have nothing more to say. But you will hurt yourself if you do. The rich people are all the same; all they care about art is to have their work done on time. To show you I mean business, I enclose you my check for one hundred and fifty dollars on account, which you can return if you do not care to do the work. But I know you will not be foolish and hurt your own prospects. Come and see me at once. The work must be started immediately and put right through and all the money needed for that purpose will be at your disposal!

“Yours very truly, in haste—

“Jaques Rochartreau.”

“How much did the letter state was the amount of the contract for the work done in my house?” asked Mrs. Goodly, like a person who has heard but doubts the accuracy of her hearing.

“Three thousand dollars!” volunteered the law student.

“Oh, oh, oh!” ejaculated Mrs. Goodly as she buried her face in her hands. Her nearby friends looked at her in surprise.

“The despicable rascal!” said David. “How well he knew how to write letters calculated to work successfully on his young victim’s feelings!”

"But you see for yourself how they were destined to prove his undoing!" responded Mr. Pener.

It was with very apparent curiosity that the majority of the spectators watched Sincere as he replaced the letter in its envelope and put it down on the table and then take up still another paper.

CHAPTER XXVI.

"When you wrote Mr. Truart the letter I have just read to the jury," resumed Sincere once more turning to the witness, "you knew that he did not have a dollar in the world."

"I knew nothing of his private affairs!" said the Marquis evasively.

"He had made you acquainted," went on Sincere, "with that fact, and that his mother was back in the rent——"

"I had nothing to do with his household expenses—they should have taken care of their money!" retorted the Marquis.

Sincere paused for a few seconds meditatively.

"Oh heavens! and neither mother or son let me know—did not even give me a hint of the terrible circumstances!" murmured the artist, "Pener, I would have shared the last dollar with them!"

"Perhaps their condition was the cause of their coldness towards you—they did not want you to know——"

"Oh, what a fool! what an idiot I have been all along in this matter!" ejaculated David, "but God knows I meant well!" he added.

"That goes without saying," responded Mr. Pener.

"Did Mr. Truart come to see you immediately after receiving your letter?" asked Sincere abruptly, after a short pause.

"Yes—no—I do not remember," answered the Marquis, surprised and doggedly.

"Do you remember obtaining his signature to this contract?" holding up the paper he held in his hand.

The witness shook his head negatively; he seemed to have lost his vocal powers again.

"Perhaps this may refreshen your memory," said Sincere, offering the contract to the Marquis for perusal; but the latter drew away from it as if he feared to touch it! Sincere turned to the Judge.

"I offer this document in evidence, if your Honor please; it is directly connected with the last quarrel between the witness and the defendant in Mrs. Goodly's house!"

The Judge read the contract carefully and bowed assentingly.

Mr. Smartman read it also and after making a half-hearted and futile attempt to have it excluded, threw it down rudely on the stenographer's desk.

A moment later, Sincere received it marked as "Exhibit six," and facing the expectant jurors, read as follows:—

"This contract, made this 14th day of July, eighteen hundred and——between Jaques Rochartau, artist in fresco, of the first part, and Paul Truart, fresco painter, both of the City of New York, of the second part. The said party of the second part agrees to fresco paint the ceilings and cornices of the entire second story, first story, and front basement, with borders on the walls as selected or approved by the party of the first part, and fresco and paint the dome, cornices and ceilings of the halls from the dome to and including basement hall with borders and designs to suit the party of the

first part; all the designs and colors to be selected and approved and all the work done in a complete, satisfactory and workmanlike manner to suit the said Jaques Rochartreau or any person he may select to superintend the work and finished complete on or before the first day of September, for the sum of two thousand, five hundred dollars. If any unnecessary delay should occur so that work should not be completed in the aforesaid time, the party of the first part shall have the right to call in other fresco painters to complete the work and deduct the amount paid such painters from the amount due the party of the second part on this contract or deduct for any loss sustained by delay in completing the work at the option of the party of the first part. Note—Original copy nearly the same as this.

(Signed)

Paul Truart,
Jaques Rochartreau.

The feeling of deep disgust and indignation that arose in David's breast as he heard the document read, was felt in a more or less degree by all the spectators having a knowledge of bona fide contracts.

"Just look at the expression on Mr. Smartman's face!" said Mr. Pener. "It is not to be wondered at though," he added, "for the contents of that precious paper must appear to him like so much rubbish."

David was so overcome with indignation, that he could not speak just then. Mr. Leering partly opened his heavy eyelids and simply grinned.

"I never should have suspected," said Mrs. Good-

ly's friend the doctor, addressing the law student, "judging from the young man's head and face, that he could be so dull in intellect as to sign such a contract so clearly all against himself!"

"That contract," said the other with the air of authority, is not worth the paper it is written on. The mere fact that any work was done by Rochartreau's order not mentioned in it, rendered it at once null and void!"

"I am very glad to know that point," said the doctor.

"There was much extra work done in Mrs. Goodly's house, was there not?" asked Sincere, reading from a paper he had just now found, after several seconds of searching among his documents.

The witness did not reply; he compressed his lips.

"You must answer the question, sir!" ordered the Judge.

"Yes," said the witness feebly.

"At whose suggestion was it done?"

"Oh, well"—hesitatingly—"I do not remember now."

"There were many changes done in the work, too?"

"Yes! whenever the work did not suit!" spitefully.

"Did Mrs. Goodly order the changes made?" and as Sincere asked the question, he looked in the direction where the lady sat. The witness did the same mechanically, and his eyes met those of Mrs. Goodly.

"No," he replied falteringly. "She had nothing to do with it! That was my own affair!"

"Was not Mr. Truart's protest, against doing any more of this work not mentioned in contract, the cause of the first quarrel in Mrs. Goodly's home?"

"He abused me so many times! he——" this attempt at evasion was checked by the Judge's reprimand:

"Give a direct answer, sir!" He said in conclusion.

"I do not remember positively," replied the witness meekly.

"Did you not," went on Sincere, "during the first quarrel, when Mr. Truart proposed to lay the matter before Mrs. Goodly, throw your arm affectionately around his neck and ask him not to think of such a thing; that you would not have the lady know of your disputes for the world? That it——"

"No! no! no! Nothing of the kind!" broke in the witness in a louder angry voice——"that it would ruin your reputation," went on Sincere, "and that you would make it all right with him at the end of the work?"

"No! no! never!" exclaimed the Marquis. "It is all false! Infamous!"

"Did not Mr. Truart, two weeks later, refuse to do any more extra work or make any more changes, unless you gave him a written promise to pay him for such?"

"No, sir, no!" cried the witness, trembling with excitement.

"And you succeeded in putting him off with plausible excuses and promises, which finally led to the next or second quarrel, which like the first, terminated by your working on his pliable good

nature to the extent of inducing him to go on as before—still relying on your word?" The witness's strength and defiant spirit seemed to be coming back to him.

"I say no! A thousand times no! I dare you to prove it!"

"Jaques Rochartreau," continued Sincere, "did not Mr. Truart, on the morning of the alleged assault——" "Alleged assault!" exclaimed the Marquis with the utmost contempt—— "Say to you that he had been informed during your absence from the city, that all the work which you had ordered changed and especially the extra work, part of which he was doing in the reception room, had been done by your own orders, without as much as consulting Mrs. Goodly? And that said lady had liked the work much better before said changes and additions had been made?"

"No! I do not remember anything of the kind!" cried the witness, as he scowled deeply at the defendant.

"Did Mr. Truart not tell you that said changes alone had already taken up five weeks of his time? That he——"

"That was his lookout and not mine—he ought to have paid more attention to his work!" interrupted the witness snappishly. Then he added, "He knew the terms of the contract!"

"And that he must have more money on account—that he had not received any money from you for several weeks?"

"I had to protect myself! The work would never have been finished by him had I continued to give him money!"

"Did he not inform you," went on Sincere in a softer tone, "that he had received the bill of his father's funeral expenses, already standing over a year, which must now be paid, and that he must have some money on account at once?"

"I remember," cried the Marquis, maliciously, "that he was always begging money, even before it was earned by him! And that I finally grew tired of his many importunities!"

"You are not answering my question," calmly said Sincere.

"No! But I am telling the truth," loudly exclaimed the Marquis, looking around the room as if he felt he had made a good point. But the faces of the majority of the spectators only expressed disgust for him, now.

"And did you not, instead of complying with his just demands, hand him this statement?" and Sincere held up before him what appeared to be a leaf, torn from a note or memorandum book. For a moment the sight of the paper seemed to stagger the witness. Then he cried:

"No! I never gave him any such thing, to the best of my recollection!"

"Will you swear positively you did not?"

"I never did, no—well, I don't think I did," answered the witness confusedly.

"If your Honor please, I offer this leaf in evidence——"

"I object to anything of the kind! There is no proof that it was written by the witness!" cried the prosecutor so loud, that it awoke Mr. Leering —"Hey—what's that?" he said with a start.

"Yes! yes! where is the proof?" asked the Marquis wildly.

"I think I shall be able to show you, your Honor, and the jurymen conclusively that this leaf was written by the witness and by him given to Mr. Truart!" said Sincere in a quiet manner.

"Where is the proof? Let us have the proof by all means." cried Mr. Smartman very much excited.

"Yes! yes! let us have the proof," exclaimed the Marquis like a man on the verge of distraction.

"The proof is in the hands of the witness!" said Sincere as he pointed to the memorandum book, still in the hands of the Marquis who clutched it tighter to his breast as an expression of consternation came into his face.

Mr. Smartman gazed at the witness with angry, inquiring eyes.

"Mr. Rochartreau, please turn to page sixty-nine of your book, and see if page seventy is not missing," said Sincere.

It was in vain that the Marquis appealed in an almost incoherent way to the Judge against being obliged to divulge the secrets of his own "private book." It was in vain that Mr. Smartman called up all his cleverness, and quoted several authorities bearing directly and indirectly on that very point, in support of Mr. Rochartreau's appeal. His Honor requested the witness to give him the book. The Judge turned over the leaves until he came to the page designated and found that the next leaf was, indeed, wanting and also that the leaf in question fitted the part exactly from which it had been torn. The book was given back to the witness and

the leaf, after it had been perused in no pleasant manner by Mr. Smartman, was marked—"Exhibit seven."

"That is the worst I have ever seen in a court of justice!" murmured Mr. Leering. "I don't think they'd go as far as that in Russia!"

CHAPTER XXVII

Sincere took the leaf and proceeded at once to read from it to the jury as follows:

"Amount due Truart as per contract	\$2,500.00	
Money advanced Truart by cash on acct	\$ 150.00	
Money advanced Truart to pay men	1,532.00	
Money advanced Truart to pay plasterers	365.00	
Money advanced Truart for Fresco colors, gold, and oil paints	320.57	
Money advanced Truart for scaffolding, cartages, etc	57.63	
	<hr/>	<hr/>
Money advanced Truart up to date	\$2,425.00	\$2,425.20
	<hr/>	<hr/>
Balance in full due Truart up to date		\$74.80

"So, all that Mr. Truart was entitled to, according to *this* statement," asked Sincere of the witness in a scornful voice, as he put down the paper on the table, "was two hundred and seventy-four dollars and eighty cents! for his labor of over eleven weeks! Not counting the labor he often performed at his home at night, making detail drawings and pounces during the progress of the work." The surprise, the disgust and indignation which the contents of the statement evidently produced on

the great preponderance of the spectators had not time to subside before Sincere resumed his questioning:

"Did not Mr. Truart after reading the statement remonstrate against its palpable unfairness?" The witness did not answer and scowled deeply.

"Did he not draw your attention, among other things, to the fact that the plastering was not even mentioned in the contract?"

The question seemed to further enrage the witness.

"Could I help it!" he cried, "if he was such a fool as to expect that I intended to pay for the plastering out of my small share of the profits?"

"You have not answered my question."

"Oh, how could I remember now all the stuff he did say?"

"Do you remember that he accused you of charging him four dollars per day for each man you supplied him with to help him carry on his work, when, in fact, some of those men received only two dollars per day, and others two and a half, and none more than three dollars per day?"

No human being could look angrier than the Marquis, as he exclaimed:

"I remember nothing of the kind! If the young scoundrel told you such things, he lied infamously!"

"Did he not demand of you then and there an acknowledgment in writing of all his extra labor, before he would consent to complete the work? And you not only insultingly refused to comply with that demand, but told him in substance, that the work was all but finished—that you had no further use for him, and that he could get out!—

that you could get plenty of men to complete the job?"

"I may have told him all that and more!" spitefully cried the witness, "I am sure I ordered him to quit; as I had told him many times before, but to my sorrow kept him on!"

"And Mr. Truart," went on Sincere, "at this last mark of your ungratefulness, driven beyond the limit of his long continued forbearance, opened his mind to you! He told you that during your absence from the city, he had discovered that you were not an honest man, as he had discovered long before, that you were not an artist! He told you that he had been informed that *you*, instead of having received only twenty-seven hundred dollars from the late Mr. Softer, for the decoration of his house, you had received over *four thousand*! He accused you of having swindled him right along from the first months of his connection with you, as you had swindled other young artists before him! And, finally, he declared that he would go that very day—the day of the alleged assault—and give said statement to Mrs. Goodly and appeal to her for justice! and that failing in that, he would place the matter in the hands of a lawyer!"

"Oh, what lies!—What infamous lies!" exclaimed the Marquis, who up to this point had sat like one dazed—bereft of speech—as if horrified by the enormity of the arraignment! Then he turned to the defendant, and shook his finger at him as he cried, "Oh you scoundrel!"

"And then!" went on Sincere after the witness had been silenced by the Judge—and the prosecutor's appeal to check any further questions on the

subject had failed—"you tried with cajoling words to get back your statement from your victim! and failing in that, alarmed, and enraged at Mr. Truart's determination to lay the matter before Mrs. Goodly, you threatened to take the statement from him! Crazy to blindness by the young man's taunting defiance, you attempted to rush up the ladder to carry out your threat! and you fell as I have before described——"

"Oh what lies! Oh what infamous lies!" cried the Marquis.

"And then, you, with malicious ingenuity," continued Sincere, "which must have been inspired by the very devil, did accuse your young innocent victim of the injuries your madness had inflicted on your own body! Why? Not only because by sending him to prison you might save your fictitious good reputation in the eyes of Mrs. Goodly as well as in the eyes of all those good hearted unsuspecting people whose generosity you had so wickedly abused all along! but also that you might avoid paying to the poor, overworked, cheated young artist what you knew you owed him and what you knew the law would compel you to pay him!"

For a few seconds the witness seemed as if transfixed by the horrible accusations that Sincere hurled at him. Then like a man who gathers up all his strength for a supreme effort, he cried out in a burst of intense rage—

"Now I say those are all black, infamous lies!" He partly arose from his seat as if he intended to spring at the defendant's lawyer but in the next moment threw himself back in it, and letting the book which he had unknowingly crushed out of all shape,

fall to the floor he grasped the arms of the chair with his colorless fingers and cried out in a changed voice, that was whining in its tones:

"It is an outrage to subject a man like me to such torture! This is not a trial of a would be assassin, but the persecution of his victim! A foul conspiracy of my enemies to ruin my reputation and my business! Oh, it is a shame! a shame!"

The words of the witness were uttered in such a manner as to cause many of the spectators to regard him as an object of pity, and to wonder if he had not indeed lost his reason.

Sincere turned away from him and proceeded to gather up his papers on the table. Was the cross-examination ended?

The Marquis apparently thought so, for he gave a deep drawn sigh and drew up his trembling body like a man who has just relieved his mind of a terrible oppressive weight. He forced a smile to come into his face that contrasted hideously with its deathlike hue, as he saw Mr. Smartman, whose features were drawn with anger, arise with the intention, evidently, to question him.

"One moment if you please, sir," said Sincere to his opponent, "I have a few questions yet to put to the witness."

"Go on! go on!" said the Marquis in a weary voice, as he beheld the defendant's lawyer take from his papers two long sized envelopes, "continue in your shameful work! But you have done your worst! You cannot hurt me more! You have made public all my private affairs! Distorted my letters! Oh what justice! Oh, what a country! But you have not"—he added trembling with emotion—"you

cannot disprove that the young murderous villian tried to kill me in cold blood!—No, you can't do that!" he concluded in a mumbling tone.

"Have you many more papers to offer in evidence, Mr. Sincere?" asked the Judge, after having called the witness to order, and cut off what gave all the indications of an intended impassionate effort by Mr. Smartman.

"I have only two more remaining, if your Honor please."

"Very well, sir." Then turning to the court officer, "Let the chandeliers be lighted." The order of the Court was immediately executed.

"Now, Mr. Sincere, what do you intend to try to prove by those papers?" asked the Judge.

"By this paper, if your Honor please," said Sincere, holding the document up to his view—"I intend to prove that the figures of the leaf admitted in evidence are false and that they are so with the knowledge of the witness——"

"Go on! go on!" broke in the Marquis with a weary voice; his eyes now devoid of brilliancy; his body limp, his arms hanging listlessly down the sides of the chair, and his head bowed resting on his heaving breast. "Go on!" he repeated, "say what you like—but you have not—cannot prove I was not beaten, torn, pounded nearly to death!"

"I intend to prove by this paper," went on Sincere, "that Mrs. Goodly's contract with Mr. Rochartreau for the work done in her home instead of being three thousand dollars, as he—Mr. Rochartreau—had made his victim believe, was *five thousand dollars!*"—Great sensation—

"And I intend to prove further by this same pa-

per, that the said Mr. Rochartreau received from Mrs. Goodly, the sum of *one thousand eight hundred dollars*, for the plastering and extra work done outside of the said contract." "Shame!" "Infamous!" "Thief!" "Scoundrel!" were some of the many exclamations that were uttered by the spectators under breath throughout the room.

"This paper, your Honor," said Sincere, after a short pause, as he passed the document up to him, "is the original contract drawn up between Mrs. Goodly and Mr. Rochartreau for the decorations of her home; to which is appended, if you will please observe, the receipts for the money received by the said Mr. Rochartreau, for the plastering, changes, and extra work not included in said contract, done between July and October 18." Mr. Smartman, as Sincere concluded, sprang to his feet ready to oppose the admittance of the document. His face denoted plainly the determination, the aggressiveness that burned within him. He watched the Judge with remarkable impatience as he began to peruse the paper. His Honor had not read more than two or three lines when a court attendant came in from the hall and passed a card up to him upon which was written several lines. The Judge read it and bowed assentingly, laying aside the contract on the desk before him.

Hardly had the attendant disappeared through the exit when an elderly man entered the courtroom and walked towards Sincere, in an easy, dignified manner. He bowed respectfully to His Honor as he reached the young lawyer's side, and then gave Mr. Smartman, who was still standing, a formal nod of recognition.

It was evident, judging from the expression on the faces of Mrs. Goodly and many of her friends, that they recognized in the new comer if not a friend, at least an esteemed acquaintance.

Curiosity was once more at its height. The stillness became so perfect that the hard breathing of the despicable-looking witness could be distinctly heard by the spectators seated quite a distance from him. What new surprise was the lawyer for the defendant going to give them now?

"If your Honor please," said Sincere, taking up the other envelope—"I know it would be superfluous to introduce to you Count—a gentleman who is, I have been informed, well known to you, and no stranger to Mr. Smartman." The three men exchanged friendly bows. "A gentleman," went on Sincere, turning to the jury, "who holds a most important position in the legation that so ably and so honorably represents the Austrian Government in our country."

The witness gave a violent start at this; he raised his eyes for an instant to glance at the new comer and then directed them again to the floor.

"The Count," continued Sincere, turning once more to the Judge, "has come here, if your Honor please, to testify if necessary, to the genuineness of the papers here inclosed." As the speaker paused, he opened the envelope and took therefrom two papers; one a legal document—bearing at the top of the page, the arms of Austria, and the other was the English translation of the first. The Count who was yet standing beside Sincere took from the latter the proffered papers, and after perusing them

carefully, one after the other, returned them to him, saying at the same time:

"They are perfectly correct, sir." Then he sat down at the defendant's table and regarded the witness with an expression of mingled pity and contempt.

"With these papers, if your Honor will permit," said Sincere as he passed them up to the Judge, "I intend to prove that this witness"—pointing his finger to the latter—"who has sworn here in court on the word of God, to tell the truth and nothing but the truth, that this man who has posed here as an honorable Frenchman, a Parisian, as Monsieur Rochartreau, an honest man and an artist, as the scion of a noble family, a Marquis, is nothing more than a base adventurer. I intend to prove, your Honor, by the document you now hold in your hands, whose genuineness cannot be doubted, that the witness is not a Frenchman, but a Croation; that he is not the scion of any noble family, but the unworthy son of an honest man once employed in a menial position on the estates of the long-time deceased Marquis de Pont Pierre, whose ancient and highly reputable name, he, the witness, assumed and dishonored. I intend to prove by that paper, your Honor, that the witness is not even Monsieur Jaques Rochartreau, but plain Jake Rochart."

At this juncture, before the auditors of this astounding arraignment could regain their equanimity, before Mr. Smartman who had drawn nearer to the Judge to speak, could utter a word, a man past the middle aged, his face as pale as death, entered the courtroom. He was supported on one side by an attendant, and on the other side by a

crutch; and it was with great difficulty that he made his way towards the Judge.

His Honor arose at once to his feet and bowed to him in a respectful manner; the court attendants ran with alacrity to make way for him; the clerk opened wide the gate to admit him within the Court's inclosure; while the prosecutor stood with staring eyes, like one nonplussed. The new comer smiled in appreciation of all these marks of genuine attention, but remained outside the railing and placed his hands upon it for support.

"Who is that? Who is that?" inquired David of his friend, for the former, like the great preponderance of the spectators had never seen the new comer before.

"Well, I declare," exclaimed Mr. Pener, tears of emotion coming in his eyes, "why that is no less a person than the District Attorney himself."

"Heavens, he looks more dead than alive!" ejaculated David excitedly.

"If your Honor please," said the District Attorney, in a slow voice that trembled from weakness, and which could only be heard understandingly, by the spectators in the front rows of seats:

"I have not the strength to enter into a detailed explanation of the reasons for my presence here in court. I will, however, if your Honor please, state that such information came to me but an hour ago that made it my duty to come here to ask you to dismiss this case." The speaker paused; the sweat of weakness covered his brow:

"And in doing this, your Honor," he resumed, "I desire to make it plain to all those within the hearing of my voice," looking for a moment

towards the reporters' table, "that while I hope I am fully aware that the District Attorney's office is instituted to bring properly indicted persons to court in order to have them tried, and when found guilty, see them punished adequately to their crimes as the statutes provide, I hold—it is my unshakable belief—that the office was never intended to be used solely for the purpose of blindly endeavoring to send to prison or to death, as the case may be, whoever has the misfortune to fall within its jurisdiction. Never, your Honor, while God gives me the strength to hold the office which my fellow citizens have intrusted to my hands, shall its great power and influence be used in any other way than such as is in strict conformity with Christian principles, and only as attorneys—lacking the instincts of the blood hound—should use it—more for the everlasting glory of doing what is right, than the short-lived glory of simply winning cases by any means and at any cost!"

"Your appearance here," said the Judge with much feeling in his voice, "is only another proof of your sterling character. No one, Mr. District Attorney, can appreciate your act more than I do. An act," turning to the jurymen, "performed in behalf of Justice by a sick man, at the risk of his very life. And in granting your request, sir, I only perform a duty which I was about to do of my own accord."

All those who from their position had not been able to catch the purport of the District Attorney's words, were breathless with curiosity. What did it all mean?

Jake Rochart sat like a man bereft of all energy,

and Mr. Smartman, with flushed face, looked the picture of confusion.

Sincere's features assumed an expression of disappointment, and he looked from Mr. Editman to his client, as if to say:

"I have done the best I could."

"What is it—what has happened?" asked David, shaking with excitement.

"The case of the People against Paul Truart is dismissed, and the defendant is honorably discharged by order of the Court," shouted the court-crier in his loudest voice.

"That is what has happened, my dear friend," exclaimed Mr. Pener, trembling with heartfelt emotion, as he grasped David's hand and shook it violently. The artist could not speak, but the tears that were running down his cheeks denoted his feelings.

An irresistible shout of approbation mingled with a profusion of hand clapping, came spontaneously from the great preponderance of the spectators; a demonstration of real Christian feeling which the Judge did not attempt to repress.

Sincere at this point passed up a slip of paper to the Judge, who read it, then bowed his head approvingly.

"You may go," said the court officer to the abject witness, a second later, but he did not seem to hear—he did not move—he seemed unconscious of what had taken place. He had to be shaken several times by the officer before he understood that he was free to go. He opened wide his blared eyes, like one who has just come out of a sluggish sleep. He attempted to rise but his limbs for the moment

had not the power to do their function. Finally, a man came out from among the spectators—a stranger to all who saw him—and helped the witness from the stand. Jake Rochart did not see, as he tottered along, the mother and son clasped in loving embrace, nor hear Miss Faithly's sobbing words, thanking God for her lover's deliverance. And finally he did not see his intended young victim and the lawyer who had saved him, surrounded by many admiring men and women who showered them with congratulations.

Mr. Editman, true to his nature, taking advantage of the excitement produced by the affecting scenes, disappeared from the courtroom unobserved by his friends.

David looked around for Mr. Leering, but the latter had either by chance or on purpose lost himself among the spectators, making for the exit.

"I am very glad, of course, that Paul has escaped the terrible danger that threatened him," said the artist to his friend, as arm in arm they followed the crowd, "but I think he ought to have been given the chance to go on the stand and vindicate himself."

"My dear fellow," responded the journalist, "your young friend will now have the best chance in the world to vindicate himself by proceeding against his late employer with a civil suit for damages. Do you understand, Dave?"

The end.

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